

fentanyl, or carfentanil be held in jail or admitted to a residential treatment program for up to 30 days. (2nd Hearing-Proponent)

**HB 391** **ECONOMIC LOSSES (Merrin, D.)** To include the cost of accounting done to determine the extent of economic loss as a type of economic loss for which restitution may be granted. (4th Hearing-All testimony-Possible amendments & substitute)

**House State & Local Government (Committee Record) (Chr. Anielski, M., 644-6041), Rm. 017, 2 p.m.**

**HB 454** **CEMETERY LOTS (Patterson, J., Arndt, S.)** To require a township to compensate the owner of certain unused cemetery lots and rights which the township reenters after lack of response from the owner. (5th Hearing-All testimony-Possible vote)

**HR 299** **DRUG USE (Young, R., Ginter, T.)** To recognize the efforts and successes of the faith-based community in supporting and assisting individuals who are suffering from opioid and other drug abuse and addiction. (3rd Hearing-All testimony-Possible vote)

**HB 483** **WEEK DESIGNATION (Patterson, J.)** To designate the second week of October as "Ohio Covered Bridge Week." (2nd Hearing-All testimony)

**HB 484** **HEALTH DISTRICTS (Brenner, A.)** To authorize city and general health districts to use credit cards in accordance with prescribed requirements. (1st Hearing-Sponsor)

**HB 492** **STATE PROCUREMENT (Gonzales, A.)** To establish the women-owned business enterprise program requiring state agencies to establish women-owned business procurement goals. (1st Hearing-Sponsor)

**HB 493** **MINORITY ENTERPRISES (Gonzales, A.)** To authorize the Director of Administrative Services to enter into reciprocal agreements with other states with respect to the certification of minority business enterprises and EDGE business enterprises. (1st Hearing-Sponsor)

**HB 500** **TOWNSHIP LAWS (Carfagna, R.)** To make various changes to township law. (1st Hearing-Sponsor)

**House Government Accountability & Oversight (Committee Record) (Chr. Blessing, L., 466-9091), Rm. 313, 2 p.m.**

- **Note time & room change.**

**HB 382** **UNEMPLOYMENT COMPENSATION (Schuring, K.)** To modify terms describing payments made under the Unemployment Compensation Law, to increase the amount of wages subject to unemployment compensation premiums, to require qualifying employees to make payments to the Unemployment Compensation Insurance Fund, to allow the Director of Job and Family Services to adjust maximum weekly benefit amounts, to reduce the maximum number of benefit weeks, and to make other changes to the Unemployment Compensation Law. (15th Hearing-All testimony)

- HJR 4**      **UNEMPLOYMENT COMPENSATION (Schuring, K.)** Proposing to enact Section 2t of Article VIII of the Constitution of the State of Ohio to allow the General Assembly to provide by law for the issuance of bonds to pay unemployment compensation benefits when the fund created for that purpose ~~is or will be depleted or to repay outstanding advances made by the federal~~ government to the unemployment compensation program. (15th Hearing-All testimony)
- HB 512**      **EDUCATION DEPARTMENT (Reineke, B.)** To establish the Department of Learning and Achievement; to abolish the Department of Higher Education, the position of the Chancellor of Higher Education, and the Ohio Board of Regents; to transfer, with exceptions, the duties regarding the administration of primary and secondary education programs and all duties regarding the administration of higher education programs to the Department of Learning and Achievement; and to prescribe certain duties regarding educator licensure, community school sponsorship, and other education programs for the State Board of Education, Superintendent of Public Instruction, and Department of Education. (2nd Hearing-Proponent)
- HB 451**      **PUBLIC RECORDS (Retherford, W.)** To exclude from the definition of public record under the Public Records Law any depiction by photograph, film, videotape, or digital, visual, or printed material of victims of crime under specified circumstances dealing with the victims' bodily privacy. (4th Hearing-All testimony-Possible vote)
- SB 223**      **USED TIRES (LaRose, F.)** To prohibit the installation of unsafe used tires on certain motor vehicles. (4th Hearing-All testimony-Possible amendments & vote)
- SB 10**      **PRIMARY ELECTIONS (LaRose, F.)** To expand the circumstances under which a board of elections or the secretary of state is not required to hold a primary election. (3rd Hearing-All testimony-Possible substitute)
- HB 506**      **DOG BREEDERS (Hill, B.)** To revise the law governing high volume dog breeders. (2nd Hearing-Proponent-Possible amendments)
- HB 469**      **TAX CREDIT (Schuring, K., Patton, T.)** To authorize a nonrefundable insurance company tax credit for contributions of capital to transformational mixed use development projects. (2nd Hearing-Proponent)
- HB 489**      **FINANCIAL INSTITUTIONS (Dever, J.)** To provide some regulatory and tax relief to state banks and credit unions, to provide for data analytics to be conducted on publicly available information regarding banks, credit unions, and consumer finance companies, to modify when a creditor can file a claim against an estate, to require registration of mortgage loan servicers, and to require a specified notice be given to a debtor for certain debt collection. (1st Hearing-Sponsor-Possible amendments)
- SB 139**      **LEGAL MATERIALS (Skindell, M., Eklund, J.)** To adopt the Uniform Electronic Legal Material Act. (1st Hearing-Sponsor)

**HB 450**      **HEALTH BENEFITS** (Antani, N.) To impose review and other requirements on existing health insurance mandated benefits and to establish requirements for the creation of new mandated benefits. (2nd Hearing-Proponent)

**HB 342**      **TAX LEVIES** (Merrin, D.) To permit local tax-related proposals to appear only on general and primary election ballots and not on an August special election ballot and to modify the information conveyed in election notices and ballot language for property tax levies. (4th Hearing-All testimony)

**Senate Finance** (Committee Record) (**Chr. Oelslager, S., 466-0626**), **Finance Hearing Rm., 2:30 p.m.**

- **Confirmation hearing on governor's appointments of Pamela Mowry, North Central State College Board of Trustees and Jo Ann Davidson and Ranjan Manoranjan, Ohio Casino Control Commission**

**SB 266**      **CAPITAL APPROPRIATIONS** (Oelslager, S.) To make capital appropriations and changes to the law governing capital projects and to make reappropriations for the biennium ending June 30, 2020. (Presentation from OBM Director Tim Keen)

**HB 168**      **CEMETERY REGISTRATION** (Stein, D.) To modify duties of the Division of Real Estate in the Department of Commerce regarding cemetery registration, to specify cemetery owners must reasonably maintain cemeteries, to establish the Cemetery Grant Program, and to make an appropriation. (4th Hearing-All testimony-Possible vote)

**HB 251**      **SUBDIVISION INVESTMENTS** (Greenspan, D.) To increase from five to ten years the maturity period of other political subdivision's bonds and obligations eligible for investment of a subdivision's interim moneys, a county's inactive moneys, and money in the county public library fund. (4th Hearing-All testimony-Possible vote)

**Senate Health, Human Services & Medicaid** (Committee Record) (**Chr. Burke, D., 466-8049**), **South Hearing Rm., 3:15 p.m.**

**SB 218**      **MEDICAID PROVIDERS** (Lehner, P.) Regarding surety bonds and minimum training for certain Medicaid providers. (1st Hearing-Sponsor-Possible amendments)

**HB 332**      **ANATOMICAL GIFTS** (Antani, N.) Regarding anatomical gifts, transplantation, and discrimination on the basis of disability. (1st Hearing-Sponsor)

**HB 340**      **PUBLIC ASSISTANCE** (Young, R.) Regarding the release of information concerning public and medical assistance recipients. (1st Hearing-Sponsor)

**SB 233**      **COTTAGE FOOD PRODUCTION** (Thomas, C.) To allow a cottage food production operator to use a firebrick oven located on a patio at the operator's residence for purposes of the cottage food production operation (2nd Hearing-Proponent)

**HB 111**      **MENTAL HEALTH COMMITMENTS** (Carfagna, R., Ryan, S.) To authorize certain advanced practice registered nurses to have a person involuntarily

transported to a hospital for a mental health examination. (4th Hearing-All testimony-Possible amendments)

**House Education & Career Readiness (Committee Record) (Chr. Brenner, A., 644-6711), Rm. 121, 4 p.m.**

**HB 502 YOUTH SUICIDE (Anielski, M.)** With regard to educator inservice training on youth suicide awareness and prevention in public schools. (1st Hearing-Sponsor)

**HB 503 YOUTH SUICIDE (Anielski, M.)** With regard to educator inservice training on youth suicide awareness and prevention in private schools. (1st Hearing-Sponsor)

**HB 318 SCHOOL RESOURCE OFFICERS (Patterson, J., LaTourette, S.)** To define the necessary qualifications and responsibilities of school resource officers. (3rd Hearing-All testimony-Possible substitute & vote)

**HB 428 STUDENT EXPRESSION (Ginter, T., LaTourette, S.)** Regarding student religious expression and to entitle the act the "Ohio Student Religious Liberties Act of 2018." (3rd Hearing-Opponent)

**HB 491 EDUCATION LICENSE (Edwards, J.)** To require the State Board of Education to issue a substitute license to specified pupil services personnel. (2nd Hearing-All testimony)

**HB 360 BULLYING (Greenspan, D.)** To enact the "Ohio Anti-Bullying and Hazing Act" with regard to school discipline and bullying and hazing policies at public schools and public colleges. (4th Hearing-Possible substitute)

**Senate Government Oversight & Reform (Committee Record) (Chr. Coley, B., 466-8072), Finance Hearing Rm., 4 p.m.**

**SR 342 COLUMBUS CREW (Kunze, S.)** To urge the investor-operator and chairperson of Columbus Crew Soccer Club to keep the franchise in Columbus. (2nd Hearing-All testimony-Possible vote)

**SB 221 AGENCY RULEMAKING (Uecker, J.)** To reform agency rule-making and legislative review thereof. (3rd Hearing-Opponent-Possible amendments)

**HB 226 FIREWORKS (Seitz, B., Sweeney, M.)** To establish a fireworks study group to review and make recommendations regarding the Fireworks Law, to extend to July 1, 2020, the moratorium on issuing fireworks manufacturer and wholesaler licenses, to eliminate, beginning January 1, 2021, the moratorium on geographic transfer of fireworks manufacturer and wholesaler licenses, and, beginning July 1, 2020, to impose a fee on the retail sale of consumer grade fireworks in this state and to expand the ability of individuals to obtain 1.3G display fireworks and obtain and use 1.4G consumer fireworks. (2nd Hearing-Proponent)

**SB 239 REGIONAL GOVERNMENT COUNCILS (Dolan, M.)** To modify the law concerning regional councils of governments. (3rd Hearing-Opponent)

**Agency Calendar**

**Board of Building Appeals, Division of Industrial Compliance, 6606 Tussing Road,  
Training Room 1, Reynoldsburg, 8:30 a.m.**

### **Event Planner**

**State Auditor Dave Yost and GOP lawmakers news conference on Medicaid  
compliance, Press Briefing Rm., Statehouse, Columbus, 10 a.m.**

**Ohio Lobbying Association Annual Meeting & Legislative Reception, Sheraton  
Columbus at Capital Square, 75 E. State St., Columbus, 4 p.m., (4:00 pm - Annual  
Meeting for OLA Members; 5:00 pm - Legislative Reception. More info and to  
register: [http://bit.ly/2018\\_OLA\\_AM](http://bit.ly/2018_OLA_AM))**

**Rep. Glenn Holmes (D-McDonald) fundraiser, Westies Gastropub, 940 S. Front  
Street, Columbus, 5:30 p.m., (Sponsor \$1,000, Host \$500, Friend \$250 to  
Committee to Elect Glenn Holmes. RSVP with Jenna Gravalis at 551-427-9895 or  
[jgravalis@ohiodems.org](mailto:jgravalis@ohiodems.org))**

**17 S. High St., Suite 630  
Columbus Ohio 43215**

**Phone: 614-221-1992 | Fax: 614-221-7844 | Email: [gongwer@gongwer-oh.com](mailto:gongwer@gongwer-oh.com)**

**Scott Miller, President | Kent Cahlander, Editor | Melissa Dilley, Mike Livingston, Dustin Ensinger,  
Jon Reed, Staff Writers**

**© 2018, Gongwer News Service, Inc. Reproduction of this publication in whole or in part without the  
express permission of the publisher is in violation of the federal Copyright Law (17 USC 101 et seq.) as  
is retransmission by facsimile or any other electronic means, including electronic mail.**

## Senate Activity for Monday, February 26, 2018

### INTRODUCED

**SB 266** ■ **CAPITAL APPROPRIATIONS (Oelslager, S.)** To make capital appropriations and changes to the law governing capital projects and to make reappropriations for the biennium ending June 30, 2020.

Gongwer Coverage

**SB 267** ■ **SOLICITING (Brown, E., Kunze, S.)** To increase the penalty for soliciting when the person solicited is eighteen years of age or older, to specify that the fine for soliciting in this circumstance is not more than two thousand five hundred dollars, and to specify that up to one thousand dollars of that fine may be deposited into the Victims of Human Trafficking Fund. Am. 2907.24 and 5101.87

### SENATE PRESIDENT'S APPOINTMENTS

Joint Education Oversight Committee: Senator Gayle Manning as chair

### DELIVERED TO THE GOVERNOR

**SB 144** ■ **DISABILITIES COUNCIL (Burke, D.)** To abolish the Opportunities for Ohioans with Disabilities Commission, Consumer Advisory Committee, and Governor's Council on People with Disabilities; to establish a state rehabilitation services council known as the Opportunities for Ohioans with Disabilities Council; and to restore staggered terms of office for the employee members representing firefighters on the board of trustees of the Ohio Police and Fire Pension Fund.

17 S. High St. Suite 630  
Columbus Ohio 43215

Phone: 614-221-1992 | Fax: 614-221-7844 | Email: [gongwer@gongwer-oh.com](mailto:gongwer@gongwer-oh.com)

Scott Miller, President | Kent Cahlander, Editor | Melissa Dilley, Mike Livingston, Dustin Ensinger,  
Jon Reed, Staff Writers

Click the  after a bill number to create a saved search and email alert for that bill.

© 2018, Gongwer News Service, Inc. Reproduction of this publication in whole or in part without the express permission of the publisher is in violation of the federal Copyright Law (17 USC 101 et seq.) as is retransmission by facsimile or any other electronic means, including electronic mail.



## House Activity for Monday, February 26, 2018

### INTRODUCED

**HB 526** ■ **SCHOOL SAFETY** (DeVitis, T., Sweeney, M.) To authorize a public or chartered nonpublic school to enter into an agreement with a volunteer law enforcement officer to patrol school premises to prevent or respond to a mass casualty event, to provide the parties with a qualified immunity from civil liability, and to provide a tax credit for volunteer service. Am. 5747.08 and 5747.98 and to enact sections 3313.94 and 5747.64

**HB 527** ■ **VISITATION RIGHTS** (LaTourette, S.) To allow certain specified persons to petition the probate court for reasonable visitation with an incompetent or ward if visitation between the person and the incompetent or ward has been interfered with or denied. Am. 2111.132

**HB 528** ■ **CORPSE ABUSE** (Smith, R., Rezabek, J.) To expand the penalties for abuse of corpse offenses. Am. 2927.01 and 2929.13

**HB 529** ■ **CAPITAL APPROPRIATIONS** (Ryan, S.) To make capital appropriations and changes to the law governing capital projects and to make reappropriations for the biennium ending June 30, 2020. Am. 164.05  
Gongwer Coverage

### HOUSE SPEAKER'S APPOINTMENTS

Insurance Committee: Remove Representative LaTourette; appoint Representative Lang.

### DELIVERED TO THE GOVERNOR

**HB 45** ■ **MONTH DESIGNATION** (Sprague, R.) To designate May as "Neurofibromatosis Awareness Month."

**HB 79** ■ **FIREARMS TRAINING** (Retherford, W., Hagan, C.) To provide for firearms training for tactical medical professionals; to permit such a professional who has received that training and has been authorized by the law enforcement

agency to carry firearms while on duty; and to grant such a professional the same right to carry a concealed handgun in this state as a concealed handgun licensee.

17 S. High St., Suite 630  
Columbus Ohio 43215

Phone: 614-221-1992 | Fax: 614-221-7844 | Email: [gongwer@gongwer-oh.com](mailto:gongwer@gongwer-oh.com)

Scott Miller, President | Kent Cahlander, Editor | Melissa Dilley, Mike Livingston, Dustin Ensinger,  
Jon Reed, Staff Writers

Click the  after a bill number to create a saved search and email alert for that bill.

© 2018, Gongwer News Service, Inc. Reproduction of this publication in whole or in part without the express permission of the publisher is in violation of the federal Copyright Law (17 USC 101 et seq.) as is retransmission by facsimile or any other electronic means, including electronic mail.



**Volume #87, Report #38 -- Monday, February 26, 2018**

**\$2.62 Billion Capital Budget Prioritizes Projects To Address Opiate Addiction, Related Issues**

The General Assembly is doubling its prior financial commitments for behavioral and mental health infrastructure in the capital appropriations budget that was introduced Monday.

The bill includes \$2.62 billion in new spending on bricks-and-mortar projects as well as a yet-to-be-disclosed amount of reappropriations for ongoing capital projects approved in prior biennia. The bill covers spending in Fiscal Years 2019-2020.

Companion House and Senate measures (HB 529 and SB 266) allocate \$222 million for health and human services, developmental disabilities, mental health, addiction treatment and women's health initiative facilities over the next two fiscal years.

The fast-tracked budget, which will receive first hearings in both chambers on Tuesday, also includes \$150 million in community projects - \$20 million more than the original funding target - \$600 million for school facilities, \$514 million for local infrastructure projects and \$483 million for public colleges and universities.

The state will issue bonds to fund the spending.

The expanded health and human services support funding was added in response to the growing impact of the opiate epidemic, Senate President Larry Obhof (R-Medina) said.

"So where in the prior budgets you may have seen a few of these pop up, I think it's on the minds of a lot of people and we all recognize that these are some of the more important issues facing the state of Ohio and these are some of the things we chose to prioritize."

Some of the projects set to receive a chunk of the \$222 million are Alvis House and Maryhaven in Columbus, President Obhof said. The respective \$300,000 and \$125,000 projects would add about 260 additional treatment beds for addicts in Franklin County.

"We see these things throughout the state and not just in Franklin County, in Cuyahoga and Hamilton counties but in some of rural areas as well," Sen. Obhof said. "There are number of requests that are being funded from members throughout the state of Ohio for things like that."

Of the total allocation for such infrastructure plans, \$20 million will be provided through competitive grants, which were proposed by Gov. John Kasich. (See Gongwer Ohio Report, February 12, 2018)

So-called community resiliency projects that focus on expanding spaces for youth programming would receive the funding, said Senate Finance Committee Chairman Scott Oelslager (R-N. Canton). The Department of Mental Health and Addiction Services and local groups will likely select the recipients.

"We recognize the need there and listened very carefully to the community," he said of the funding dedicated to combatting the opiate epidemic and related issues.

While that area of the budget saw a boost, overall capital appropriations shrunk by about \$10 million from the last budget, Sen. Obhof said. He's hopeful, however, that it will have a similar reach.

"We think that due to sound fiscal management and the hard work we put in in the main operating budget last year, we do have the capacity for the bonding and the funding of various projects throughout the state that you see in the bill," he told reporters after the legislation was introduced.

Leaders of both parties in each chamber worked together to iron out the details prior to the measure's introduction Monday, making it ripe for quick passage.

President Obhof said he expects a Senate vote on the House version - which will serve as the vehicle for the budget - in the week before spring break, which is set to begin in late March.

Local projects were brought forward by individual members for consideration while community colleges and universities created their own priority funding packages. (See Gongwer Ohio Report, November 22, 2017)

"This capital budget will give the legislature a tremendous opportunity to address several infrastructure and construction projects that will generate a positive return on investment for communities all across the state," Speaker Cliff Rosenberger (R-Clarksville) said in a statement. "I want to commend the members of the legislature and local leaders for their collaboration and commitment to helping improve the lives of so many Ohioans through this legislation."

The capital budget has historically drawn bipartisan support as lawmakers look to support money funneled to projects in their communities. That trend is expected to continue this year.

"As legislators, we review capital budget applications, meet with individuals and organizations and visit project sites. You can't help but become passionate about what we can do to invest in Ohio's infrastructure and improve the community," Senate Minority Leader Kenny Yuko (D-Richmond Heights) said. "Although it's unfortunate that we can't fund every much-needed community project that comes to our attention, I am happy with the progress that will be made through the capital budget."

If the capital bill process follows those of prior years, no major changes will occur during deliberations unless there are problems with the bill. The last several capital budgets passed with few if any amendments once they were introduced.

### **Cardinal Health Among Drug Distributors Targeted In Latest DeWine Opioid Suit**

Attorney General Mike DeWine on Monday announced that he has filed a lawsuit against four drug distributors for their role in the opioid epidemic.

The lawsuit, filed in Madison County Common Pleas Court, alleges that the drug distributors were negligent in over-supplying addictive opioid prescription drugs.

"We believe the evidence will show that these companies ignored their duties as drug distributors to ensure that opioids were not being diverted for improper use. They knew the amount of opioids allowed to flow into Ohio far exceeded what could be consumed for medically-necessary purposes, but they did nothing to stop it," AG Mike DeWine said in a statement.

"And much like the drug manufacturers who continue to fail to do the right thing, these distributors are doing precious little to take responsibility for their actions and help pay for the damage they have caused."

Named in the lawsuit are McKesson Corporation, Cardinal Health and its subsidiaries, AmerisourceBergen Drug Corporation and Miami-Luken, Inc.

Cardinal Health in a statement said it has been cooperating to "alleviate the public health crisis and save lives" though a multi-state effort led by 40 attorneys general and a multi-jurisdictional effort in Cleveland.

"We are extremely disappointed that Attorney General DeWine chose to go outside of these established processes at this critical moment in time to file this unfounded lawsuit," the company said in a statement.

The company went on to say that it cares deeply about the opioid epidemic and that there must be work toward meaningful solutions.

"This is why we launched our Opioid Action Program which augments our substantial efforts to combat opioid abuse and is providing funds and support for take back efforts, Narcan giveaways for first responders, and grants for communities looking to find holistic solutions to this public health issue throughout Ohio," it said.

"Cardinal Health has made a significant investment in state-of-the-art controls to effectively combat the diversion of pain medications from legitimate uses. We believe this kind of effort and investment, and not baseless litigation, is the way to alleviate this problem."

The lawsuit alleges that the companies fueled the opioid epidemic by distributing enough of the drugs to fill more than 11.8 million prescriptions from 2011 to 2016, amounting to dosages that averaged more than 739 million each year.

The drug epidemic has resulted in annual damages in excess of \$1 billion, the lawsuit alleges. Those costs include medical care; treatment for infants born with opioid-related medical conditions; public safety measures; substance abuse prevention; and welfare and social services for the children of addicted parents.

The lawsuit also alleges that more than 7,000 Ohioans have died due to the opioid crisis.

The companies "have supplied and continue to supply quantities of prescription opioids in and around Ohio without taking proper measures based on their actual or constructive knowledge that individuals were consuming opioids for non-medical purposes," the lawsuit reads.

Among the remedies Mr. DeWine is seeking are punitive and compensatory damages.

This marks the second lawsuit the AG has filed against drug companies over the opioid crisis. (See Gongwer Ohio Report, May 31, 2017)

#### **Nearly \$29M In State IT Funding Clears Controlling Board**

Controlling Board members Monday approved more funding for state information technology projects after raising questions about performance-based contracts and the state's savings from consolidating services.

The requests from the Department of Administrative Services included one worth nearly \$24.8 million for the state's main IT services delivery line item, which has increased over the years due to the consolidation, DAS Chief Financial Officer Jennifer Leymaster told the board.

The other request, for \$4.4 million, dealt specifically with a pair of projects involving nine agencies, she said.

Rep. Scott Ryan (R-Newark) asked if the state's IT contracts have performance clauses for the timing of delivery or for the accountability of functions.

The request Monday didn't deal with specific contracts, just the appropriation changes needed to cover contract costs, Ms. Leymaster said.

"We'd be happy to see if individual contracts have the type of controls that you're asking about," she said.

Ms. Leymaster told Sen. Charleta B. Tavares (D-Columbus) that the projects are part of a broader optimization project that has saved the state more than \$160 million since its inception.

The board also approved two significant funding requests from the Development Services Agency to support affordable housing after Sen. Bill Coley (R-Liberty Twp.) asked about cost containment measures and access for people with disabilities.

The requests included \$13.6 million for the Ohio Housing Finance Agency to administer the Housing Development Assistance Program, and \$5.5 million for housing assistance programs across the state.

Kelan Craig, director of planning, preservation and development at the Ohio Housing Finance Agency, said the administration has worked to ensure projects are done effectively at low cost.

As for accessibility for people with disabilities, there are specific requirements for projects targeted at seniors and for permanent supportive housing developments, but not for standard affordable housing, he said.

"Let's just watch that and make sure we don't have a problem with that," Sen. Coley said.

A request by the Department of Mental Health and Addiction Services for \$1.1 million to replace the emergency generator at Appalachian Behavioral Healthcare in Athens was approved after Sen. Coley asked about the hospital's involvement in plans to participate in peak demand emergency programs.

Stephen Wilson, legislative liaison for ODMHAS, said the state found it would only save a couple thousand dollars to participate in the utility's peak demand program, while placing strict requirements on hospital staff.

Sen. Coley said the programs can help other facilities, such as industries and schools, when the power goes down.

"Hospitals around the state are finding great benefits to these programs," he said.

In total, the board approved 82 requests for funding.

Other items approved included: (Agenda)

- \$2.9 million - Central State University - for repair and modernization of the Hallie Q. Brown Memorial Library.
- \$11.7 million - Cleveland State University - to contract for an addition project at Fenn Hall.

- \$1.9 million - Cuyahoga Community College - to buy 12.82 acres of real estate in Euclid for the expansion of the Transportation, Distribution and Logistics Academy.
- \$1 million - Adjutant General's Department - for masonry renovation and HVAC work at the Hamilton Readiness Center in Butler County.
- \$4.6 million - DAS - for administration of the Multi-Agency Radio Communication System.
- \$2.3 million - Department of Agriculture - for lab supplies and equipment.
- \$1.1 million - Department of Mental Health & Addiction Services - for emergency generator replacement at Appalachian Behavioral Healthcare in Athens.
- \$1.6 million - Bureau of Motor Vehicles - for federal grants to purchase and install document scanners and update existing computer systems to confirm commercial driver's license applicants provided proof of citizenship or permanent residency.
- \$10.5 million - Facilities Construction Commission - for master facilities plan amendments from Elida Local School District and Bloom-Carroll Local School District.

### **Adult Charge Stemming From Juvenile Conviction Challenged At High Court**

Can a juvenile adjudication be used to satisfy an element of a crime committed as an adult?

Anthony Carnes will argue that it can't in a case the Ohio Supreme Court is set to hear Tuesday.

Mr. Carnes was charged with a third-degree felony offense of weapon-under-disability based on a 1994 juvenile adjudication. He moved to have the charge dismissed, but the trial court denied his motion.

The First District Court of Appeals upheld the trial court's decision. But Mr. Carnes argued that both court erred in their decisions.

"Simply put, juvenile adjudications are not criminal convictions and should not be viewed as such. This conclusion is reinforced by the fact that Ohio's juvenile system uses two different approaches, one mandatory and one discretionary, to transfer its most severe offenders into the adult system, and has a process to include an adult sentence with a juvenile rehabilitation for the next most serious level of offenders," his merit brief reads.

"In line with that approach, this court has prohibited juvenile adjudications from increasing punishment for subsequent adult conduct. Given that framework, it is incongruous for such adjudications to be permitted to turn what would otherwise be lawful conduct into a crime. Thus, a juvenile adjudication should not be deemed to meet an element of an offense charged against an adult."

The Juvenile Law Center and the Buckeye Firearms Association both weighed in on the case on behalf of Mr. Carnes.

"Individuals with Ohio juvenile adjudications do not fit into the long standing prohibition on the possession of firearms by felons because they simply are not felons by definition," the BFA wrote in its amicus brief.

The state, however, argues that a juvenile adjudication cannot be used to enhance a penalty, but it can be used as an element of a crime. The state also contends that if the court were to side with Mr. Carnes it would gut the state's law prohibiting the possession of a weapon under disability.

Under the law, "there are multiple means of being placed under a disability that do not include the right to a jury trial: being a fugitive from justice, being under indictment for a felony offense of violence, being under indictment for a felony drug offense, being drug dependent or in danger of drug dependence, being a chronic alcoholic, and being adjudicated mentally incompetent. Just as is the case with a juvenile adjudication, none of those situations carries a right to a jury trial - state," the state writes.

The Cuyahoga County Prosecutor's Office has also asked the court to affirm the First District ruling.

"Persons who commit violent felony offenses are considered bad risks who should not be allowed to legally possess a firearm. The fact that a person who commits the violent felony offense as a juvenile does not make that person any less of a bad risk," it wrote in an amicus brief.

"But Ohio's weapons disability law recognizes that people can turn their lives around and become law-abiding citizens after committing a single indiscretion or even after committing a series of crimes decades ago. That person can legally possess a firearm after following the appropriate statutory remedy; but until that time, the person should not be able to possess a firearm under Ohio law."

Three district court judges will be involved in the case because Justice Sharron Kennedy, Justice Patrick Fischer and Justice Patrick DeWine have recused themselves.

Justice DeWine concurred in judgement only with the First District's opinion upholding the trial court's decision to deny the motion to dismiss the charge.

The high court is set to hear two other cases Tuesday, it reported:

- In *Ohio Bureau of Workers' Compensation v. Cirino*, it will hear a case involving a Bureau of Workers' compensation beneficiary challenging the electronic payment program because he is charged fees by his bank. The state argues the case must be filed in the Court of Claims.
- A Columbus attorney is facing a six-month stayed suspension for failure to keep and maintain required financial records in the case of *Columbus Bar Association v. Keating*.

### **Ohio Groups Debate Trump's Short-Term Health Plan Proposal**

A Trump administration proposal to expand options for short-term health insurance is designed to give consumers more options in the marketplace without the regulatory burden of current plans.

Opponents say it could lead to more limited coverage and raise premiums for people on standard exchange plans.

The proposal by the federal Centers for Medicare and Medicaid Services, announced last week, would allow short-term, limited-duration health insurance plans to provide coverage for up to 12 months, up from the current maximum of three months.

These plans are not required to meet the federal requirements for individual health insurance, such as providing essential health benefits or coverage for people with pre-existing conditions.

"In a market that is experiencing double-digit rate increases, allowing short-term, limited-duration insurance to cover longer periods gives Americans options and could be the difference between someone getting coverage or going without coverage at all," CMS Administrator Seema Verma said in a statement.

In Ohio, the move will provide more competition in the marketplace for health insurance, said Greg Lawson, research fellow at the Buckeye Institute.

"It's not going to be a perfect fit for everybody, but for those individuals that it works for, this could be something that could work for you, and it would be a cheaper alternative than being forced into the exchange," he said in an interview.

Critics say the change will erode coverage for people who sign up for the short-term plans and drive up premiums for those who need the more comprehensive coverage of Affordable Care Act-compliant plans.

"These short-term plans are likely to be harmful in the long run," said Steven Wagner, executive director of UHCAN Ohio. "Since they may lack meaningful coverage, people may find that their health care costs are not covered or face substantial out of pocket costs. These plans are a step in the wrong direction."

A report by the Urban Institute estimated the change would lead to an increase of 2.5 million people without minimum essential health care coverage by 2019, and an increase of 18.2% in 2019 premiums for ACA-compliant nongroup insurance plans.

The changes would allow people to shop around for the coverage they want, Mr. Lawson said. The Buckeye Institute and others have criticized the ACA exchanges for placing burdensome regulations on insurers and raising premiums.

"In general, what this will allow is you can have more barebones type policies that are more affordable," he said. "I don't think this is necessarily the pathway that we would prefer to see on a permanent basis but given the fact that the affordable care act is still the law of the land, this does give some breathing space."

Mr. Wagner said those requirements ensure people have comprehensive insurance coverage. He called the latest change part of an effort to eliminate coverage requirements created under the ACA.

"The Trump Administration is eating away at the foundations of health care coverage like termites in the foundation," he said. "This change along w the ability to alter the essential health benefits weakens people's access to quality affordable health care."

#### **Travel Trailer Maker Tops List Of Tax Credits Issued By State Panel**

The Tax Credit Authority on Monday approved incentives for four projects that promise to create a total of 475 jobs and retain another 1,405 positions, the Development Services Agency reported.

The \$2.81 million in tax credits, an estimate that depends on the companies meeting their hiring goals and other criteria, are projected to help trigger \$41 million in investments and result in more than \$24 million in new payroll, according to the state.

Topping the list in terms of impacted jobs and tax credit value is the \$2.325 million incentive for **Airstream, Inc.** in the Village of Jackson Center in Shelby County.

The designer and manufacturer of travel trailers and touring coaches expects to create 280 full-time positions generating \$14.8 million in new payroll while retaining \$57.2 million in payroll with its expansion project. The TCA approved a 1.874%, nine-year Job Creation Tax Credit for the plans.

The other approved projects (estimated tax credit values) are:

**Sedgwick Claims Management Services, Inc.** of Hilliard (Franklin Co.). The provider of claims, productivity, managed care, risk consulting and other services expects to create 109 full-time positions generating \$4.3 million in new payroll while retaining \$13.4 million in payroll. The expansion plans attracted a tax credit of 1.31% over seven years (\$400,000).

**Veeva Systems Inc.** of Dublin (Franklin Co.) plans 46 new jobs, \$3.5 million in new payroll and the retention of \$2.1 million in payroll with its expansion. TCA awarded a 1.62%, seven-year tax credit for the project (\$355,000).

**Modular Assembly Innovations LLC** of Allen Township (Union Co.), which plans 40 new jobs, \$1.4 million in new payroll and the retention of \$7.6 million in payroll. The provider of manufacturing and modular assembly services to the automotive industry was awarded a 1.055%, six-year JCTC (\$90,000).

### **Kasich Declares Emergency As Flood Risks Continue**

Two days after Gov. John Kasich declared a state of emergency in 17 counties, areas of Ohio are continuing to grapple with flooding.

On Saturday, the governor issued his emergency declaration in the face of flooding - particularly along the Ohio River, which was expected to crest Monday.

Although rains have stopped, flood waters linger in some areas, closing roads and posing ongoing safety risks. The National Weather Service has said flood warnings are expected to persist for several more days in the central U.S. as "numerous river systems will remain in flood stage this week."

"As the weather and flooding is expected to get worse we're staying ahead of things by taking our readiness up to the next level and declaring an emergency where we expect the worst conditions," Gov. Kasich said over the weekend. "We'll quickly add to those areas as it's needed."

Counties affected by the proclamation include: Adams, Athens, Belmont, Brown, Clermont, Columbiana, Gallia, Hamilton, Hocking, Jackson, Jefferson, Lawrence, Monroe, Meigs, Muskingum, Scioto and Washington.

The state's Emergency Operations Center had been preparing for this round of flooding since at least Feb. 18. That's the day the Ohio EMA Watch Office began providing regular awareness reports multiple times a day to state, local and federal agencies.

In recent days meals have been provided to the elderly by the Department of Aging, emergency management liaisons have been dispatched to assist county-level operations centers, and swift water rescue teams have been positioned.

"Ohioans do a good job of looking out for each other and we're doing it again now also," Gov. Kasich said. "Teams at the local level are hard at work and state teams have been coordinating with them and supporting them over the past week."

Following the Kasich order, the EMA transitioned from assessment and monitoring to partial activation and the state's Joint Information Center was opened. That followed Ohio National Guard deployments to help install flood gates and a flood wall in Scioto County.

In recent days, state entities have assisted in providing sand bags and a water pump to communities in Lawrence County. A major rockslide on Monday closed a portion of a highway in that county, according to the Ohio Department of Transportation. State geologists were on the scene.

"I urge people to stay safe by staying informed, not taking any chances and checking in on your neighbors, especially seniors and families with young kids," the governor said. "Call your local city, county or Red Cross if there's anyone who needs help. We'll get through this as we always do, by working together."

At the same time, Attorney General Mike DeWine has issued several tips to steer residents away from flood-related scams that may arise.

"As people across Ohio assess the damage and start the clean-up process, we're reminding consumers to beware of scams," Mr. DeWine said. "Some con artists travel to affected communities to take advantage of people. They offer to help, but once they get your money, they're gone. After the flooding, we also could start to see flood-damaged vehicles entering the market. We just warn people to be careful."

### **Cyberattack Temporarily Shuts Down State Websites, Phones**

The Department of Administrative Services is making modifications after a cyberattack blocked state websites and phone systems for multiple hours Sunday evening.

DAS spokesman Tom Hoyt said the attack was launched shortly after 5:30 p.m. Sunday and "was addressed quickly and remediated at approximately 9:50 p.m."

"It was not a breach - no personal information was compromised," Mr. Hoyt said.

Several accounts seemingly affiliated with the so-called "hacktivist" group Anonymous appear to be taking credit for the attack on social media. Anonymous-linked users posted screenshots showing error pages that appeared when trying to access state websites.

The attack was a denial-of-service attack, which is a concerted effort in which users bombard a targeted system with requests, thereby overloading and disabling it for legitimate users.

"The attack itself was educational in the sense that we now know how this type of attack is done and we can put in filters and prepare to help us be ready if it happens again," Mr. Hoyt said. This is the first time DAS has grappled with this specific method of a denial-of-service attack.

"These types of attacks can be done in different ways so we're aware of them and prepare for them," Mr. Hoyt said. "This was conducted in a different way, but once you go through that, you learn how it's done and we can prepare for the next time."

It's not the first time the state has been faced with a cyberattack.

Nearly a dozen state websites were impacted last year after hackers posted pro-ISIS messages on state homepages. That "internet graffiti-style" attack, however, was believed to be surface-level in nature with hackers not accessing the state's servers. (See Gongwer Ohio Report, June 26, 2017)

### **Environmental Group Calls For Setback, Chemical Reporting Changes Following Well Fire**

The Ohio Environmental Council is pointing to a Feb. 15 explosion and fire at a Belmont County oil well as new evidence pointing to the need for increased well setbacks.

But a leading oil and gas group is accusing the council of seeking to block industry development with its latest call for new legislation.

A horizontal well operated by XTO caught fire earlier this month, causing explosions and leading to the evacuation of residents within a one mile perimeter as the well continued to leak methane and other gasses.

XTO has said it has contracted with various companies to monitor the area and oversee cleanup operations. It has also paid to house 100 households who were displaced. Those residing beyond a half mile from the site have since been moved back into their homes.

The OEC said the incident is a "wake up call" demonstrating a need to strengthen Ohio's current law requiring horizontal wells to be located at least 100 feet from rural homes.

"What this incident demonstrates is that Ohio's current setback laws for horizontal oil and gas wells are clearly insufficient and do very little to protect communities from this new wave of oil and gas development," said Melanie Houston, director of climate programs at the Ohio Environmental Council. "Given the frequency of horizontal well pad incidents in Ohio over the past five years, it is past time for Ohio lawmakers to reconsider a safer setback distance."

The group said the incident also shows the need to examine laws requiring well operators to disclose hazardous chemicals to emergency responders. That debate was a point of contention during budget talks last year. (See Gongwer Ohio Report, April 14, 2017)

"State lawmakers also must close the chemical reporting loophole in Ohio law to make sure that first responders such as those responding to last week's incident can get the full accounting of chemical identities during oil and gas emergencies," Ms. Houston said.

The Ohio Oil and Gas Association, however, said 2012 legislation in that arena "created one of the most stringent regulatory programs for chemical disclosure in the nation."

That bill (SB315, 129th General Assembly) was a far-reaching energy mid-biennium review measure that strengthened requirements. But Democrats and environmental groups at the time said it didn't go far enough with its chemical disclosure provisions. (See Gongwer Ohio Report, May 24, 2012)

"The bill required chemical disclosure to all first responders, providing access to the information that they need and allowed (the Ohio Department of Natural Resources) to ask for additional chemical information when there is an incident," said Matt Hammond, OOGA's senior vice president.

As far as the idea of increased setbacks, the organization accused OEC and its allies of attempting to use a setback increase to snuff out oil and gas development.

"We have all heard the calls for increased setback distances since 2003 and found that environmental groups have supported setback distances for the sole purpose to offend the property rights of landowners and effectively block oil and gas development," Mr. Hammond said.

#### **Schiavoni, Williams Plan Firearm Removal Bill; Yost Unveils School Safety Plan; High Court Hears Janus Case; Kucinich Continues Gun Push...**

Sen. Joe Schiavoni (D-Boardman) and Sen. Sandra Williams (D-Cleveland) on Monday announced their intention to introduce a bill allowing for the removal of firearms from people deemed to be an imminent danger to themselves or others.

The proposal would establish an Extreme Risk Protection Order that would allow family or law enforcement to ask a court to temporarily remove firearms for up to one year.

"Family members are often the first to know when a loved one starts showing signs that they're dangerous to themselves or people around them," Sen. Schiavoni, a Democratic gubernatorial candidate, said in a statement. "Sadly, there aren't many options available to be proactive, remove weapons and prevent those moments from becoming tragedies. This bill is common sense. It provides a clear process when loved ones notice those red flags."

Five other states have similar laws. In announcing the intention to introduce the measure, the lawmakers cited Gov. John Kasich, who in a recent television interview expressed support for ERPOs.

"I am pleased to see the conversation turn and the mood shift toward sensible gun safety measures in Ohio," Sen. Williams said. "I'm also pleased to see Gov. Kasich supporting efforts to combat gun violence. We know how to reduce gun violence in America while still respecting the Second Amendment. This bill is a step forward in that direction."

**School Safety:** State Auditor Dave Yost on Monday rolled out a three-point school safety plan centered on securing buildings.

The attorney general hopeful's plan calls for a statewide inventory of security measures at all 5,200 school buildings across the state and a bond-backed program to modify them to create a single point of entry, install electronic zoned locking systems and add video cameras.

The final piece of the plan calls for the establishment of a training program for school staff volunteers with prior military or law enforcement experience.

"We need to protect our kids at school at least as well as we protect our politicians at work," Auditor Yost said in a statement. "This program takes the same proven tactics and technology we use in government offices-and many private businesses-and puts them to work in our schools, where our greatest treasures are."

**Janus Case:** A day ahead of the U.S. Supreme Court hearing oral arguments in a case that could have far-reaching implications for public sector unions, hundreds gathered on the Statehouse lawn for the "Working People's Day of Action."

The event also comes in the wake of six pieces of legislation introduced in Ohio to revise collective bargaining laws.

"The Ohio Legislative Black Caucus stands in solidarity with labor and working people," Ohio Legislative Black Caucus President and Rep. Stephanie Howse (D-Cleveland) said in a statement. "Right to Work is wrong and has no place in the state of Ohio. Fair labor practices, equitable pay, representation in the workplace and building power through unity are essential to making Ohio stronger, and should be a guaranteed right to all who are willing to work."

Buckeye Institute President Robert Alt said the questioning by Justice Anthony Kennedy during oral arguments should leave union supporters concerned.

"Given how frequently Justice Kennedy is in the majority, his questions have to be a cause of concern for those seeking to continue the practice of forcing public servants to pay for union speech with which they may disagree," he said.

**Gun Control:** The gubernatorial campaign of Dennis Kucinich continues to put gun control in the spotlight.

In the latest move, Mr. Kucinich's running mate, Akron City Councilwoman Tara Samples, plans to introduce a measure to urge state lawmakers to pass a ban on assault weapons.

"Dennis and I, with the help of more than 2,000 grassroots volunteers, are working to convince every city council and every board of education all across Ohio to support getting these killing machines off our streets," she said in a statement. "I couldn't be more proud that my own community is about to become the first in Ohio to take this step."

**New Polling:** A Suffolk University/*USA Today* poll released Monday found strong support for additional gun restrictions, including 63% of respondents who want semi-automatic weapons banned.

Another 76% said that people treated for mental illness should be banned from owning firearms and 61% said stronger gun control law and background checks could prevent more mass shootings.

The poll also found that 62% believe schools should be required to have metal detectors and 58% believe there should be a requirement that schools have a armed police officer stationed on campus.

However, just 19% believe the prospects of Congress passing gun-control measures are good to excellent and 25% believe there is a fair chance for legislative action. Another 51% said the chances are poor.

"Voters see a Congress that is deaf to their wishes about remedying gun violence in the United States," said David Paleologos, director of the Suffolk University Political Research Center in Boston

The nationwide survey of 1,000 individuals, which has a margin of error of 3%, also found that President Donald Trump's approval rating stands at 38%, down from 47% one year ago.

"President Trump's job performance ratings have had several ups and downs in the past year, with last March's relatively strong showing coming in the aftermath of a well-received speech to Congress," Mr. Paleologos said. "The bump he got after signing the tax bill in December appears to have been overwhelmed in light of young people challenging him on gun issues and the investigation of Russian meddling in U.S elections."

**ODP Training:** The Ohio Democratic Party announced Monday that more than 110 candidates took part in its "Main Street Initiative," which provides training and support to candidates.

"What Democrats are seeing nationally, we're seeing here in Ohio, too - the unprecedented energy and enthusiasm of the grassroots is turning into record numbers of Democratic candidates running in races up and down the ballot," ODP Chairman David Pepper said in a statement. "We're proud to support our state and local candidates when they run for office, as we build our bench of great public servants. We look forward to working with our 2018 'Main Street' candidates from now through Election Day and then touting their successes once they're in office."

### **Governor's Appointments**

**State Auctioneers Commission:** Theresa M. Blocher of Paris for a term beginning February 26, 2018, and ending October 9, 2020.

**Board of Nursing:** Lauralee S. Krabill of Sandusky and Patricia A. Sharpnack of Chardon for terms beginning February 26, 2018, and ending December 31, 2021

### **Supplemental Event Planner**

#### **Monday, March 5**

One Ohio Now news conference on state data ahead of the State of the State Address, Ladies Gallery, Statehouse, Columbus, 1 p.m.

#### **Wednesday, March 7**

Rep. Martin J. Sweeney (D-Cleveland) fundraiser, Dempsey's, 346 S. High St., Columbus, 5:30 p.m., (Marty, We Love You; \$1,000-\$5,000; Best Buddy; \$500; Good Pal; \$100 Friend: \$25 to Friends of Martin J. Sweeney)

17 S. High St., Suite 630

Columbus Ohio 43215

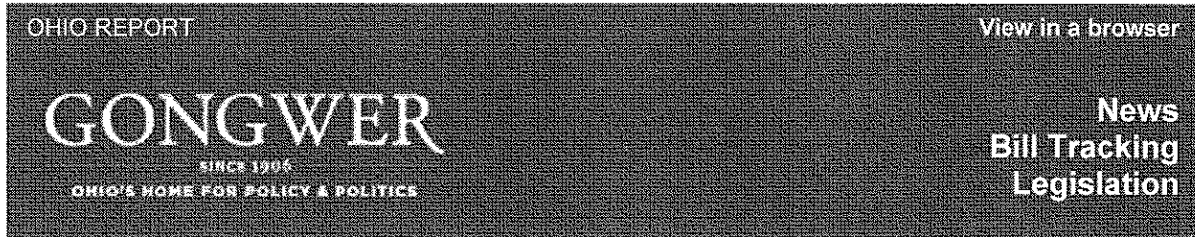
Phone: 614-221-1992 | Fax: 614-221-7844 | Email: [gongwer@gongwer-oh.com](mailto:gongwer@gongwer-oh.com)

Scott Miller, President | Kent Cahlander, Editor | Melissa Dilley, Mike Livingston, Dustin Ensinger, Jon Reed, Staff Writers

Click the  after a bill number to create a saved search and email alert for that bill.

© 2018, Gongwer News Service, Inc. Reproduction of this publication in whole or in part without the express permission of the publisher is in violation of the federal Copyright Law (17 USC 101 et seq.) as is retransmission by facsimile or any other electronic means, including electronic mail.

**From:** Gongwer News Service  
**Sent:** Wednesday, June 27, 2018 10:16 PM  
**To:** DL\_Gongwer  
**Subject:** Ohio Report, Wednesday, June 27, 2018  
**Attachments:** Jun27Senate.htm; 180627dayplan.htm; Jun27.htm; Jun27House.htm



## OHIO REPORT WEDNESDAY, JUNE 27

---

**Lake Erie, Voting Machine Funding Among Bills Headed To Governor**

**Bills On Religion, Pharmacy Benefit Managers Among Dozens Backed By House**

**Senate Passes Measures Focused On Reducing Regulations**

**Bills Amended To Enhance Online School Oversight Head To Governor**

**Senate Panel Delays Vote On Energy Standards, Wind Setback Bill**

**Proposed Regulations Inspired By State Fair Ride Death Get Initial Hearing**

**High Court Strikes Down 'Agency Fees' For Public Sector Unions; Kennedy Announces Retirement**

**Chairman: Senate Looking For Balance With Payday Lending Measure**

**Prosecutors Praise Beefed Up Parole Monitoring Bill**

**Senate Releases Session Calendar**

**Governor's Appointments**

**Supplemental Agency Calendar**

**Supplemental Event Planner**

**Senate Committee Hearings**

**Energy & Natural Resources**

**Government Oversight & Reform**

**Finance**

**Transportation, Commerce & Workforce**

**Education**

**House Committee Hearings**

**Agriculture & Rural Development**

**Insurance**

**Government Accountability & Oversight**

**Health**

**Civil Justice**

## **ACTIVITY REPORTS**

**House**

**Senate**

## **CALENDARS**

**Day Planner**

Please send all correspondence to [gongwer@gongwer-oh.com](mailto:gongwer@gongwer-oh.com). This mailbox is not regularly monitored.

[View as a Web Page](#)

Copyright 2018, Gongwer News Service/Ohio  
17 S. High St., Suite 630, Columbus OH 43215

All Rights Reserved. This message and any attachments may not be forwarded or reproduced without  
express permission from Gongwer News Service.

[unsubscribe](#)

## Senate Activity for Wednesday, June 27, 2018

### INTRODUCED

**SB 313** ■ **COLLEGE APPLICATION MONTH** (Schiavoni, J.) To establish the College Application Month program. Am. 3314.03, 3326.11, and 3328.24 and to enact sections 3313.6024 and 3333.301.

**SB 314** ■ **SCHOOL PSYCHOLOGISTS** (Schiavoni, J.) With regard to mental health services in public and nonpublic schools, to require school districts to employ school psychologists and intervention specialists, to provide an additional state payment to school districts for school psychologist and intervention specialist services, and to make an appropriation. Am. sections 3314.03 and 3326.11 and to enact sections 3301.0730, 3317.26, 3319.077, and 3319.078 of the Revised Code and to amend Section 265.10 of Am. Sub. H.B. 49 of the 132nd General Assembly and Section 265.210 of Am. Sub. H.B. 49 of the 132nd General Assembly, as subsequently amended.

### PASSED

**HB 18** ■ **SPECIAL ELECTIONS** (Pelanda, D., Retherford, W.) to eliminate the requirement of holding a special election to fill a vacancy in a party nomination for the office of representative to Congress under certain circumstances; to authorize local elected officers that have levied a hotel lodging excise tax, or a designee of such officers, to simultaneously hold the position of officer or member of the board of trustees of a convention and visitors' bureau without constituting incompatible offices; and to require that, upon request, county auditors, municipal fiscal officers, and their employees must share lodging tax return information with the directors of convention and visitors' bureaus operating in their counties.

(32-0 (Earlier REPORTED-SUBSTITUTE)

Gongwer Coverage

**HB 87** ■ **COMMUNITY SCHOOLS** (Roegner, K.) Regarding public moneys returned to the state as a result of a finding for recovery issued pursuant to an audit of the enrollment records of a community school, to clarify the time period within which a school district emergency levy or substitute levy may be renewed or replaced, to clarify the responsibilities of a school district treasurer regarding the signing or executing of certain documents, to require the State Board of

Education to adopt standards for learning management software for internet- and computer-based community schools, regarding qualification for state payments by internet- or computer-based community schools, regarding joint health and medical insurance programs by political subdivisions and county boards of developmental disabilities, regarding submission of five-year financial forecasts by public schools, and regarding the moratorium on certain provisions affecting community schools and school districts whose enrollments were affected due to enrolling students of a suspended e-school.  
32-0 (Schiavoni & Skindell) Earlier REPORTED-AMENDED

**Gongwer Coverage**

**HB 95**

**DISTRACTED DRIVING (Hughes, J., Seitz, B.)** To establish an enhanced penalty for committing a moving violation while distracted if the distraction is the apparent cause of the violation and to reenact provisions of law that specified that certain electronic wireless communications device violations were allied offenses of similar import.

31-1 (Jordan)

**Gongwer Coverage**

**HB 168**

**CEMETERY REGISTRATION (Stein, D.)** To modify duties of the Division of Real Estate in the Department of Commerce regarding cemetery registration, to specify cemetery owners must reasonably maintain cemeteries, to establish the Cemetery Grant Program, to allow the Board of Embalmers and Funeral Directors to review and vote upon certain license suspensions by telephone, to make various other changes to the embalmers, funeral directors, and crematory licensing laws, and to make an appropriation.

32-0

**Gongwer Coverage**

**HB 263**

**OUTDOOR DINING AREAS (Lanese, L.)** To generally allow an owner, keeper, or harbinger of a dog to take the dog in an outdoor dining area of a retail food establishment or food service operation.

32-0

**Gongwer Coverage**


**HB 312**

**POLITICAL SUBDIVISION SPENDING (Schuring, K., Greenspan, D.)** To regulate the use of credit cards and debit cards by political subdivisions, to modify the duties and powers of the Auditor of State, to specify that electronic submission of a public record request entitles the requestor to damages if the public office fails to comply with the Public Records Act, to make changes to

the law governing financial planning and supervision commissions, and to authorize a property tax abatement for certain property subject to a submerged land lease and held by a municipal corporation.

32-0 (Earlier REPORTED-SUBSTITUTE (No testimony))

Gongwer Coverage

**HB 336** 

**LICENSE FEES (Barnes, J., Greenspan, D.)** To prohibit the imposition of driver's license and temporary instruction permit reinstatement fees in specified circumstances and to name this act the Reinstatement Fee Amnesty Initiative.

32-0


Gongwer Coverage

**HB 347** 

**ROAD NAMING (Kelly, B., Dever, J.)** To designate multiple memorial highways.

32-0 (Earlier REPORTED-SUBSTITUTE)


Gongwer Coverage

**SB 119** 

**OPIOID MEDICATIONS (Hackett, B., Hottinger, J.)** Regarding naltrexone and medication-assisted treatment.

32-0


Gongwer Coverage

**SB 229** 

**CONTROLLED SUBSTANCES (Eklund, J.)** To modify the laws pertaining to regulation of controlled substances and to make other changes in the laws administered by the State Board of Pharmacy.

32-0

Gongwer Coverage

**SB 255** 

**OCCUPATIONAL LICENSING (McColley, R.)** To establish a statewide policy on occupational regulation, to require standing committees of the General Assembly to periodically review occupational licensing boards regarding their sunset, and to require the Legislative Service Commission to perform assessments of occupational licensing bills and state regulation of occupations.

24-8 (Earlier REPORTED-SUBSTITUTE)

Gongwer Coverage

**SB 273** ■ **RATING AGENCIES** (Hackett, B.) To enact for the Revised Code a definition of the term "rating agency."

32-0

Gongwer Coverage

**SB 293** ■ **ADMINISTRATIVE REGULATIONS** (Peterson, B., McColley, R.) To require agencies to reduce the number of regulatory restrictions.

23-9 (Earlier REPORTED-SUBSTITUTE)

Gongwer Coverage

**SCR 21** ■ **APPALACHIAN STORAGE HUB** (Balderson, T.) To urge the Congress of the United States to enact various bills advancing the development of an Appalachian storage hub.

31-1 (Skindell)

Gongwer Coverage

**SCR 23** ■ **FEDERALISM** (Obhof, L., Peterson, B.) To reassert the principles of federalism found throughout the Constitution of the United States of America and embodied in the Tenth Amendment, to notify Congress to limit and end certain mandates, and to insist that federal legislation contravening the Tenth Amendment be prohibited or repealed.

25-7

Gongwer Coverage

## **INFORMALLY PASSED**

**SB 86** ■ **DAY DESIGNATION** (Hackett, B.) To designate multiple memorial highways and bridges, to create multiple nonstandard license plates, to create multiple special designations, and to designate John Glenn's childhood home as a state historic site.

## **SENATE CONCURS IN HOUSE AMENDMENTS**

**SB 66** ■ **CRIMINAL LAWS** (Eklund, J., Tavares, C.) To modify criminal sentencing and corrections law by including the promotion of effective rehabilitation as a purpose of felony sentencing, removing the one-year minimum for presumptive fourth or fifth degree felony community control sanctions, modifying sanctions for a violation of a community control condition, modifying the manner of calculating confinement credits, modifying eligibility

criteria and procedures for granting pre-trial diversion and intervention in lieu of conviction, making offenders convicted of certain multiple fourth or fifth degree felonies eligible for conviction record sealing, revising procedures for the Adult Parole Authority to grant a final release or terminate post-release control, and modifying the criteria for considering a prison term sanction for a post-release control violation; to extend the State Highway Patrol's authority to enforce criminal laws to also apply to the Northeast Ohio Correctional Center; to modify the penalty for an employer's failure to remit state income taxes withheld from an employee; and to authorize the conveyance of state-owned real estate.

29-0

**Gongwer Coverage**

---

**SB 127** 

**WASTE COLLECTION VEHICLES (LaRose, F.)** To require motor vehicle operators to take certain actions upon approaching a stationary waste collection vehicle collecting refuse on a roadside.

29-0

**Gongwer Coverage**

---

**SB 135** 

**VOTING EQUIPMENT (LaRose, F.)** To make supplemental operating appropriations for the FY 2018-FY 2019 biennium and supplemental capital appropriations for the FY 2017-FY 2018 biennium to implement a voting machine and equipment acquisition program.

31-1 (Jordan)

**Gongwer Coverage**

---

**SB 216** 

**SCHOOL REGULATIONS (Huffman, M.)** To enact the "Ohio Public School Deregulation Act" regarding the administration of preschool and primary and secondary education programs, to add the territory of Summit County to the Stark State College District, and to prescribe procedures for appointing the board of trustees of the combined technical college district.

28-1 (Brown)

**Gongwer Coverage**


---

**SB 220** 

**CYBERSECURITY (Hackett, B., Bacon, K.)** To provide a legal safe harbor to covered entities that implement a specified cybersecurity program, to allow transactions recorded by blockchain technology under the Uniform Electronic Transactions Act, and to alter the definition of "key employee" under the Casino Gaming Law.

29-0


## Gongwer Coverage

**SB 221** 

**AGENCY RULEMAKING (Uecker, J.)** To reform agency rule-making and legislative review thereof.

23-6


Gongwer Coverage

**SB 239** 

**REGIONAL GOVERNMENT COUNCILS (Dolan, M.)** To modify the law concerning regional councils of governments to clarify that a municipal corporation eligible to designate a tourism development district may designate more than one district, to specify that the American Law Institute's approved "Restatement of the Law, Liability Insurance" does not constitute the public policy of Ohio, to designate a portion of U.S. Route 33 in Meigs County as the "Steve Story Memorial Highway," to designate a portion of Interstate Route 270 in Franklin County as the "Officers Anthony Morelli and Eric Joering Memorial Highway," and to designate the portion of U.S. Route 24 in Henry County as the "Henry County Veterans Highway."

29-0

Gongwer Coverage

**SB 299** 

**WATER IMPROVEMENTS (Gardner, R., O'Brien, S.)** To credit additional amounts of the Local Government Fund to fund public safety services in areas that experienced a 30% or more decrease in the taxable value of certain power plants between 2016 and 2017, to phase out the payments over ten years, to increase the appropriation to the Local Government Fund; to support broadband development; to establish the OhioCorps Pilot Project; and to make appropriations, including appropriations for the protection and preservation of Lake Erie and the National Guard Scholarship Program.

29-0

Gongwer Coverage

## **CONFERENCE REPORT ADOPTED**

**SB 1** 

**DRUG OFFENSES (LaRose, F.)** To increase penalties for drug trafficking violations, drug possession violations, and aggravated funding of drug trafficking when the drug involved in the offense is a fentanyl-related compound, except for drug possession violations when the fentanyl-related compound is combined with marijuana or a Schedule III, IV, or V controlled substance and the offender did not know of the fentanyl content; to revise the manner of determining sentence for certain violations of the offense of

permitting drug abuse; and to add lisdexamfetamine to the list of schedule II controlled substances.

31-1 (Skindell)

#### Gongwer Coverage

### **COMMITTEE HEARINGS**

#### **Energy & Natural Resources**

**HB 114** **RENEWABLE ENERGY (Blessing, L.)** To revise the provisions governing renewable energy, energy efficiency, and peak demand reduction and to alter funding allocations under the Home Energy Assistance Program.  
(SCHEDULED BUT NOT HEARD (See separate story); 8th Hearing-Possible amendments & vote)

**SB 51** **LAKE ERIE (Skindell, M., Eklund, J.)** To authorize the creation of a special improvement district to facilitate Lake Erie shoreline improvement.  
(REPORTED-AMENDED (No testimony); 4th Hearing-All testimony-Possible vote)

Before reporting the measure, the committee adopted an amendment from **Sen. Michael Skindell** (D-Lakewood). The senator said his fellow lead cosponsor, **Sen. John Eklund** (R-Chardon), has also signed off on the change, which ensures that if state property lies within the district, the required assessment will not be forced upon the state.

#### **Government Oversight & Reform**

**HB 18** **SPECIAL ELECTIONS (Pelanda, D., Retherford, W.)** To eliminate the requirement of holding a special election to fill a vacancy in a party nomination for the office of representative to Congress under certain circumstances. (REPORTED-SUBSTITUTE; 2nd Hearing-All testimony-Possible amendments & vote)

A substitute version offered by chairman **Sen. Bill Coley** (R-Liberty Twp.) rolls another measure (**SB 252**) into the bill that allows local elected officials to serve on the board of a convention and visitors' bureau.

In written proponent testimony, **Secretary of State Jon Husted** said the original measure will save taxpayer dollars. He noted that a special congressional election in 2016 with just one candidate costed \$340,000.

**HB 312** **POLITICAL SUBDIVISION SPENDING (Schuring, K., Greenspan, D.)**  
Regarding use of credit cards and debit cards by political subdivisions.  
(REPORTED-SUBSTITUTE (No testimony); 4th Hearing-All testimony-Possible amendments & vote)

A substitute version of the bill offered by **Sen. Matt Huffman** (R-Lima) largely cleans up language in the bill and also continues a property tax abatement for the City of Lorain, Sen. Coley explained.

**HB 34**

**PUBLIC NOTICES (Hambley, S., Ryan, S.)** To authorize certain state agencies, local governments, and other boards, commissions, and officers to deliver certain notices by ordinary mail and electronically instead of by certified mail. (**REPORTED-SUBSTITUTE (No testimony)**; 4th Hearing-All testimony-Possible amendments & vote)

Sen. Huffman offered an amendment accepted without objection to remove some sections pertaining to when electronic notices would not be allowed and to allow a recently elected public official to take public records training prior to taking office.

Another change allows a county prosecutor's office to represent port authorities, planning commissions and regional airport, Sen. Coley explained.

**SB 202**

**OFFENDER RE-ENTRY (Bacon, K., O'Brien, S.)** To require the Department of Rehabilitation and Correction to establish a reentry program for all offenders released from prison who it intends to have reside in a halfway house or similar facility but who are not accepted by any such facility; to require the Adult Parole Authority to establish maximum work-load and case-load standards for its parole and field officers and have enough trained officers to comply with the standards; to require that GPS monitoring used for offenders released from prison under such monitoring specify restrictions, including inclusionary zones and necessary exclusionary zones; to require the Department to establish system requirements for GPS monitoring of such offenders by the Department or third-party contract administrators; to require the Department to operate a statewide database for law enforcement use containing specified information about such offenders; to require that third-party administrators for GPS monitoring under a new contract with the Department provide and use a law enforcement-accessible crime scene correlation program; and to name the act's provisions the Reagan Tokes Law. (**CONTINUED (See separate story)**; 3rd Hearing-Proponent)

**SB 255**

**OCCUPATIONAL LICENSING (McColley, R.)** To establish a statewide policy on occupational regulation, to require standing committees of the General Assembly to periodically review occupational licensing boards regarding their sunset, and to require the Legislative Service Commission to perform assessments of occupational licensing bills and state regulation of occupations. (**REPORTED-SUBSTITUTE**; 4th Hearing-All testimony-Possible amendments & vote)

A substitute version of the bill offered by Sen. Joe Uecker (R-Loveland) makes several changes, including adding factors to the list used in determining whether an occupational licensing board has demonstrated a public need. (**Comp doc**)

It also provides that occupational regulations that are created by adopting national standards used in at least 45 states are deemed to be narrowly tailored and the least restrictive.

In written opponent testimony, Jarrod Clabaugh, executive director of the Ohio Society of Association Executives, called for lawmakers to seek additional input on the bill.

John Graham, president and CEO of the Center for Association Leadership, called for the creation of a task force.

"We suggest that instead the legislature establish a task force to consider the problem of excessive occupational licensing and to develop ways to address that problem without weakening the protections to the public offered by governmental recognition of private certification programs," he wrote.

**Subscribers Note:** For full testimony see the [committee's website](#) under June 26.

## **Finance**

**HB 123** **LENDING LAWS (Koehler, K., Ashford, M.)** To modify the Short-Term Loan Act, to specify a minimum duration requirement for loans made under the Small Loan Law and Mortgage Loan Law, and to limit the authority of credit services organizations to broker extensions of credit for buyers. **(CONTINUED (See separate story); 5th Hearing-All testimony-Possible vote)**

## **Transportation, Commerce & Workforce**

**HB 347** **ROAD NAMING (Kelly, B., Dever, J.)** To designate a portion of I-71 in Hamilton County as the "Sonny L. Kim Memorial Highway." **(REPORTED-SUBSTITUTE (No testimony); 3rd Hearing-All testimony-Possible amendments & vote)**

Chairman **Sen. Frank LaRose** (R-Hudson) said the substitute version allows the legislation for to be used as a vehicle for the naming of multiple memorial stretches of highway honoring people killed in the line of duty.

**SB 293** **ADMINISTRATIVE REGULATIONS (Peterson, B., McColley, R.)** To require agencies to reduce the number of regulatory restrictions. **(REPORTED-SUBSTITUTE); 4th Hearing-All testimony-Possible amendments & vote)**

The committee accepted a substitute offered by **Sen. Rob McColley**, (R-Napoleon), who said the updated measure would apply the mandate to cut regulations by 30% statewide "at more of a macro level than the micro level."

Sen. McColley said his version would require every head of a cabinet-level department and every statewide elected official to inventory all regulations associated with their departments, as well as the commissions or agencies under them, and apply the 30% reduction "in the aggregate." He said the change was needed because some individual agencies or commissions might not have room to cut the percentage of regulations required by the original legislation.

"There are many state agencies that are already running pretty lean and already have very few rules," he said.

The substitute version also would give the Joint Committee on Agency Rule Review the authority to approve or deny the cuts, he said.

Sen. Matt Dolan (R-Chagrin Falls) said he agrees with the goal but has concerns the legislature may be ceding too much authority under the proposal.

"We're asking (agencies) to get rid of regulations that are contrary to legislative intent," he said. "I would rather be the one to dictate what legislative intent is."

Sen. McColley said he thinks the substitute bill "actually strengthened the authority of JCARR," and therefore, the legislature.

The panel reported the bill along party lines after accepting the substitute version.

Before accepting Sen. McColley's changes, the committee tabled a substitute bill offered by **Sen. Charleta B. Tavares** (D-Columbus) that she said would remove the requirement that

regulations be cut by 30% across the board in the state. Her version instead would have instead required state agencies to cut regulatory restrictions until a reduction "deemed sufficient by the state agency in consultation with (JCARR) has been achieved," she said.

She said the substitute version also would have prohibited agencies from removing regulations required by federal law, among other changes.

"What we're trying to do is enlist both JCARR and the agencies in identifying those regulations or statutes that should be removed ... so that we can make informed decisions," she said.

Ahead of the adoption of the substitute legislation, Greg Lawson, research fellow with the Buckeye Institute, said the state "desperately needs" the effort to cut unneeded regulations to boost the economy. He said the state's licensing requirements are more restrictive than most states.

"Requiring appropriate education and training for physicians, healthcare providers, pilots, and truck drivers helps safeguard the general public in our hospitals and on our roads and runways," he said. "But the same cannot be said with respect to auctioneers, travel guides, and hairdressers-all currently subject to Ohio's byzantine and overly restrictive licensing requirements."

Mr. Lawson said efforts to rein in regulations could lead to employers hiring more workers and employees earning more.

"Beyond occupational licensing reform, Ohio must also reexamine government mandates that interfere with market-pricing and make goods artificially more expensive for businesses," he said. "Such interference ultimately leads to slower job growth as businesses curtail hiring and wages in order to offset the artificially higher costs created by the mandates."

**SB 308** **ELEVATOR LAW (Uecker, J., Yuko, K.)** To revise the Elevator Law.  
(CONTINUED; 1st Hearing-Sponsor)

**Sen. Joe Uecker** (R-Loveland) said in sponsor testimony the measure, which has companion legislation (**HB 236**) in the House, would "modernize" the state's elevator laws. "Taking elevators is a regular occurrence in our day to day lives and malfunctions can cause serious injuries to riders. SB308 seeks to codify industry standards and set licensure qualifications to help ensure the safety of both elevator riders and workers," he said. He said the measure would update the state's definition for elevators and create an Elevator Safety Review Board, among other changes.

**Sen. Kenny Yuko** (D-Richmond Hts.), the measure's other primary sponsor, said the bill also establishes new licensing and insurance requirements for elevator contractors, inspectors and mechanics.

"Our goal is to ensure the safety for the public and for those who work and install elevators. The best way for us to ensure a high level of safety is to ensure that all elevators are installed and maintained by licensed professionals."

**HCR 10** **ANTI-SEMITISM (Thompson, A., Greenspan, D.)** To condemn the Boycott, Divestment, and Sanctions movement and increasing incidents of anti-Semitism. **(REPORTED-AMENDED; 5th Hearing-All testimony-Possible amendments & vote)**

Chairman LaRose amended the bill with language condemning white nationalists and other hate groups.

Sen. Tavares offered a substitute resolution, which would have condemned attacks and discrimination against all minority groups by hate groups including white nationalists and neo-Nazis, and remove references to the boycott movement.

"We can't say people can't talk," she said. "That goes against who we are as a nation and a state."

The panel tabled her proposal, and Sen. Tavares subsequently cast the lone vote against reporting the measure.

Prior to the report, Connie Hammond, a member of United Methodists for Kairos Response and the Free Speech Coalition of Ohio, said the legislation unfairly conflates the Boycott, Divestment, Sanctions movement with anti-Semitism and could be seen as a form of censorship.

"The International BDS movement is not anti-Semitic," she said. "The call to BDS issued by 170 Palestinian civil society organizations asked the international community to stand for freedom, equality and justice."

Sen. LaRose said he rejects the idea that the measure constituted any kind of censorship.

"There's nothing in here that restricts speech," he said.

## **Education**

**HB 87** **COMMUNITY SCHOOLS (Roegner, K.)** Regarding public moneys returned to the state as a result of a finding for recovery issued pursuant to an audit of a community school. **(REPORTED-AMENDED (See separate story); 4th Hearing-All testimony-Possible amendments & vote)**

**SB 34** **ACADEMIC YEAR (Manning, G.)** To generally require public and chartered nonpublic schools to open for instruction after Labor Day. **(Scheduled but not heard); 7th Hearing-All testimony-Possible vote)**

17 S. High St., Suite 630  
Columbus Ohio 43215

Phone: 614-221-1992 | Fax: 614-221-7844 | Email: [gongwer@gongwer-oh.com](mailto:gongwer@gongwer-oh.com)

Scott Miller, President | Kent Cahlander, Editor | Mike Livingston, Dustin Ensinger, Jon Reed, Tom Gallick, Staff Writers

Click the  after a bill number to create a saved search and email alert for that bill.

© 2018 Gongwer News Service, Inc. Reproduction of this publication in whole or in part without the express permission of the publisher is in violation of the federal Copyright Law (17 USC 101 et seq.) as is retransmission by facsimile or any other electronic means, including electronic mail.

## Daily Activity Planner for Thursday, June 28

### Legislative Committees

Joint Medicaid Oversight Committee (Committee Record) (Chr. Huffman, S., 466-7584), Rm. 313, 9 a.m.

- Behavioral Health Redesign Update from Barbara Sears, Director, Ohio Department of Medicaid and Emily Higgins, Chair, OAHP Behavioral Health Subcommittee
- PBM Report from Barbara Sears, Director, Ohio Department of Medicaid
- Joint Ohio College Affordability Committee (Chr. Wilson, S., 466-9739), Senate Finance Hearing Rm., 10 a.m.
- Overview of strategies for preserving and improving the affordability of a college education in Ohio by the Ohio Association of Community Colleges and the Inter-University Council of Ohio

Joint Education Oversight Committee (Committee Record) (Chr. Manning, G., 466-8150), North Hearing Rm., 11:30 a.m.

- Presentations by Connie Shriver (Coordinator of Career & Academic Readiness Education at the Mid-East Career and Technology Centers), Mary Murphy (Manager of Adult Success Initiatives at Lorain Community College), and Greg Harp (Vice President of Graduation Alliance) on Adult Graduation Pathways
- Presentations by the Ohio Department of Education and the Ohio Department of Job and Family Services on Early Childhood Programs
- Update on progress of other research projects (tentative)

### Agency Calendar

Civil Rights Commission, Lobby Mtg. Rm., 1st Fl., 30 E. Broad St., Columbus, 9:30 a.m.

Elections Commission, Rm. East B., 31st Fl., 77 S. High St., Columbus, 10 a.m.

Business Gateway Steering Committee, 30 East Broad Street, Room 2925, Columbus, 1 p.m.

Public Utilities Commission of Ohio, 180 E. Broad St., 11th Fl., Columbus, 1:30 p.m.

### Event Planner

Rep. Brian Hill (R-Zanesville) golf outing fundraiser, Eaglesticks Golf Club, 2655 Maysville Pike, Zanesville, 9:30 a.m., (9:30 am registration; 10:30 am shotgun start; 4:30 pm barbeque. Brian D. Hill for State Representative)

Rep. Stephanie Howse (D-Cleveland) & Rep. Janine Boyd (D-Cleveland Hts.) fundraiser, Lake Affect Studios, 1615 East 25th St., Cleveland, 5:30 p.m., (\$500, \$150, \$75, \$35 to Friends of Stephanie Howse, Friends of Janine Boyd)

17 S. High St., Suite 630  
Columbus Ohio 43215

Phone: 614-221-1992 | Fax: 614-221-7844 | Email: gongwer@gongwer-oh.com

Scott Miller, President | Kent Cahlander, Editor | Mike Livingston, Dustin Ensinger, Jon Reed, Tom Gallick, Staff Writers

© 2018, Gongwer News Service, Inc. Reproduction of this publication in whole or in part without the express permission of the publisher is in violation of the federal Copyright Law (17 USC 101 et seq.) as is retransmission by facsimile or any other electronic means, including electronic mail.

**Volume #87, Report #124 -- Wednesday, June 27, 2018**

**Lake Erie Voting Machine Funding Among Bills Headed To Governor**

A busy day of lawmaking Wednesday saw a wide variety of bills sent to Gov. John Kasich's desk, including long-sought funding for new voting equipment and money to fight harmful algal blooms in Lake Erie.

In total, the two chambers sent 19 bills to the governor, including a pair dealing with oversight for charter schools. (*See separate story*)

The voting machine measure (SB 135) appropriates \$114.5 million to buy new equipment. The House had previously passed it, and the Senate voted 31-1 in to concur with a House amendment that updated the fiscal year in the language.

"We've had machines that in many cases are 15 years old," sponsor Sen. Frank LaRose (R-Hudson) said. "Our county boards of elections and folks all throughout Ohio are very excited about the prospect that maybe sometime this winter or next spring there may be a truck showing up with new voting machines."

"It's time that we got this done," Sen. LaRose, the Republican nominee for secretary of state, continued. "This is something we've been talking about for a while."

Rep. Kathleen Clyde (D-Kent), the Democratic nominee for secretary of state, touted the passage in a statement.

"Ohio has been in desperate need of voting system upgrades to meet the elections cybersecurity challenges we face today and to modernize our aging machinery," she said. "I am happy to see our boards of elections finally getting the resources they deserve after years of state budget cuts to local government funds. I was happy to support this bipartisan bill and will continue to ensure our counties are prepared for every elections challenge."

The Lake Erie measure (SB 299) began as a way to identify and financially support projects to combat harmful algal blooms. Among other provisions, it appropriates \$3.5 million in General Revenue Fund dollars to the Department of Agriculture for soil and water conservation districts and \$20 million to the Soil and Water Phosphorus Program.

The measure became a vehicle for spending-related amendments in the House Finance Committee Tuesday, but it collected only a few changes, making it more of a "modest decorated wreath" than a true "Christmas tree bill," as explained Wednesday by sponsoring Sen. Randy Gardner (R-Bowling Green).

Those amendments included \$7.1 million in disaster funding for 18 counties that sustained widespread flooding earlier this year. Other House-added items include \$1 million to boost broadband expansion efforts and \$1.5 million for the National Guard Scholarship. (See Gongwer Ohio Report, June 26, 2018)

It cleared the lower chamber in a unanimous vote after picking up an LSC technical amendment on the floor. The Senate then followed suit, approving the item 29-0.

Rep. Steven Ardnt (R-Port Clinton), who sponsored companion legislation in the House, said the measure will go a long way toward reducing algal blooms in Lake Erie.

"This particular bill is really something that is extremely critical," he said.

Sen. Gardner called the bill a "classic example" of legislation in action given its bipartisan nature.

Both chambers accepted a conference report on a measure (SB 188) to toughen penalties for fentanyl traffickers.

The House approved the conference committee report 59-10, with Rep. Nathan Manning (R-N. Ridgeville) calling it a "very small change" in that it shifts the burden of proof to the prosecution to show a defendant knew of a fentanyl-related compound in his or her possession.

In the Senate, the vote was 31-1, with Sen. Michael Skindell (D-Lakewood) the only member opposed.

Sen. Skindell said the proposal doesn't just target traffickers, but also affects drug users. He also voiced concerns with how the state considers an aggregate amount of fentanyl, even if a little bit of fentanyl is mixed with a much greater amount of another drug.

"It not only throws the drug traffickers in jail, it throws the small users in jail," he said.

Sen. LaRose, the measure's sponsor, said the user would need to have reason to know it contained fentanyl to be charged.

"We did what we could to make sure that we truly are ensnaring the traffickers and not the addicts," he said. "We rely on reasonable prosecutors. We rely on reasonable judges and juries to do the work that they do."

A proposal initially designed to eliminate the need for a special election when only one candidate is on the ballot (HB 188) cleared the Senate unanimously but faced more opposition later in the evening when the House voted 67-22 to concur.

The dissent hinged on a provision added earlier in the day that allows some local elected officials to serve on the board of trustees of a convention and visitors' bureau.  
(See committee listing)

Rep. John Becker (R-Union Twp.) said the measure goes against an advisory opinion issued by the attorney general's office.

"The reason for that conflict is quite obvious," he said.

Rep. Dorothy Pelanda (R-Marysville) said if a conflict does exist, the public official can abstain from voting on a matter.

The bill also received opposition from Rep. Tom Brinkman (R-Cincinnati) who said in light of recent event, lawmakers should do all they can to avoid any hint of impropriety.

A measure (SB 66) to provide judges with more discretion in criminal sentencing also cleared both chambers.

Rep. Nathan Manning (R-N. Ridgeville), who ushered the bill through the House Criminal Justice Committee, called the measure a smart on crime bill. He also touted several of the bill's provisions, including one that allows for expanded record sealing.

"This is something that will get people back to work," he said.

Before voting 84-2 to move the bill back to the upper chamber, an amendment offered by Rep. Bill Seitz (R-Cincinnati) was accepted to make it clear that the number of felonies that can be sealed is five with an unlimited number of misdemeanors.

Rep. Jay Edwards (R-Nelsonville) and Rep. Tim Schaffer (R-Lancaster) cast the lone "no" votes.

The Senate voted 29-0 to approve the issue, with Sen. John Eklund (R-Chardon) and Sen. Charleta B. Tavares (D-Columbus) both urging support.

Sen. Eklund specifically pointed out a change that prevents those who have more than five felonies from pursuing the sealing of records. Although it runs somewhat contrary to the Senate's effort, Sen. Eklund said the change such a person would pursue that round "is slim."

"Notwithstanding that, I certainly think the amendments are salutary...and we've come to something that will make Ohio a more just place to live," he said.

Sen. Tavares too said she believes "the integrity and the strength of the legislation remains. We are trying to do what's fair and what's right and we really believe rehabilitation should be taken seriously."

Legislation (HB 318) initially designed to deal with qualification for school resource officers picked up several changes during its journey through the legislature, including having a measure (SB 246) prohibiting expulsion and suspension of young students rolled into it while in the upper chamber.

"Suspending a six-year-old child does absolutely nothing to help them," Rep. Sarah LaTourette (R-Chagrin Falls).

It cleared the lower chamber in a 69-20 vote, with Rep. Ron Hood (R-Ashville) speaking in opposition.

"This did not get vetted in committee the way it properly needed," he said.

A bill to add prongs to the Joint Committee on Agency Rule Review process cleared the House in a 73-19 vote after Rep. Dan Ramos (R-Lorain) raised concerns that the changes could make the body more partisan.

"It is not a committee where partisanship has come in to play," he said.

Other items sent to the governor included legislation to:

- Allow restaurants to let patrons to have dogs on outdoor patios (HB 263).
- Regulate credit and debit card use by political subdivisions and make other changes to how finances are handled by local governments (HB 312).
- Create a six-month pilot program to reduce driver's license reinstatement fees (HB 336).
- Designate roads after first responders and military personnel killed in the line of duty (HB 347).
- Waive the concealed carry license fee for active members of the armed forces and retired and honorably discharged veterans (SB 81).
- Require drivers to move over when passing waste collection vehicles (SB 127).
- Provide a legal safe harbor for companies that enact cybersecurity protections (SB 220).
- Boost the Joint Committee on Agency Rule Review's authority to clamp down on informal rulemaking among executive agencies (SB 221).
- Create more transparency in regional councils of government (SB 239).

- Waive the concealed carry license fee for active members of the armed services and retired and honorably discharged veterans (SB 81).
- Create an enhanced penalty for distracted driving (HB 95).
- Overhaul the law relating to embalmers, crematory operators and cemeteries (HB 168).

### **Bills On Religion, Pharmacy Benefit Managers Among Dozens Backed By House**

Legislation cited as "protecting" the religious beliefs of pastors and students, and a bill to limit charges from pharmacy benefit managers were among the slew of proposals receiving the House's stamp of approval during a marathon session Wednesday.

Also among the 31 measures passed in the first part of the session were a number of Senate bills that now advance to the desk of Gov. John Kasich thanks to Senate concurrence votes later in the day. The chamber also approved a conference committee report on a measure to boost penalties for drug trafficking and possession. (*See separate story*)

Regarding the religion-related legislation, both measures received substantial pushback from Democrats who contend they will open the door for discrimination.

The so-called Pastor Protection Act (HB 36) shields faith leaders, societies and others from civil repercussions should they refuse to solemnize marriage outside their beliefs. The plan picked up a floor amendment from Rep. Bill Seitz (R-Cincinnati) providing that in the event of a conflict between the bill and current public accommodations law, the legislation will take precedent.

Rep. Dan Ramos (D-Lorain) made a motion to lay the amendment on the table, which was turned back by Republicans. Rep. Janine Boyd (D-Cleveland Hts.) also moved to amend the item, but her motion was ruled out of order following the adoption of Rep. Seitz's change.

Sponsor Rep. Nino Vitale (R-Urbana) reiterated his belief the legislation does not target LGBTQ citizens. He painted it as an attempt to relieve the "tension" between contrasting beliefs and assure faith leaders existing protections under the Constitution will remain.

"This is not a sword," Rep. Vitale said. "This is intended to be a shield and protect everyone's rights."

But Rep. Boyd argued the legislation's scope is too broad in that it does not limit its provisions to religious groups or pastors.

"It is in essence saying that proprietors of property or services that rent to the public at large can turn away members of the LGBTQ community," she said, before the chamber endorsed the measure 59-29.

Similarly, the chamber voted 62-20 for a plan (HB 428) from Rep. Sarah LaTourette (R-Chagrin Falls) and Rep. Tim Ginter (R-Salem) that states students should be permitted to conduct religious expression and activities in schools in the same manner students may conduct secular activity or expression.

Rep. Kent Smith (D-Euclid) moved to amend the bill with language he said would label head coverings as permitted religious attire.

Rep. Ginter, however, voiced reservations, saying the change would open up "a pathway that is not the intention of this bill. There is no specificity in this bill toward any religion and that is purposeful." The GOP-dominated chamber as a whole agreed, turning away the proposed tweak 56-32.

Several Democrats spoke against the bill, including Rep. Ramos, who said the legislation is so broad it would permit shirts with messaging stating LGBTQ youth will go to hell or that Jesus is not real, or targeting specific faiths. To that, Rep. Ginter replied the school still has the authority to ban obscene or distracting clothing or activities.

Among other bills, the pharmacy legislation (HB 479) - from Rep. Scott Lipps (R-Franklin) and Rep. Thomas West (D-Canton) - requires patients to be informed of affordable prescription options. And it limits PBMs, health plans or other administrators to charging no more than what an individual would pay for a drug were it purchased without coverage.

"For too long, PBMs have used predatory practices to target consumers and independent pharmacies," Rep. Lipps said. "I am proud Ohio is taking a lead role to end these deceiving practices, while improving transparency and lowering out-of-pocket drug costs."

Added Rep. West: "Today is a happy day here in Ohio because lower prescription drug prices are on their way."

Several pieces of legislation pertained to laws related to sexual activity, including proposals prohibiting sexting by persons under 19 years of age (HB 355) and the nonconsensual dissemination of private sexual images (HB 497) or "revenge porn." Those measures passed unanimously - 85-0 and 81-0 respectively.

So too did legislation (HB 92) requiring an offender who knowingly commits public indecency to be viewed by a minor for the purpose of sexual gratification to register as a Tier 1 sex offender if ordered by a judge (80-0).

Legislation (HB 511) establishing 18 as the age at which a person can marry was also approved with wide support (78-0). The proposal provides an exception for a 17-year-old

with the consent of a juvenile court if the other spouse-to-be is not more than four years older.

"We do not allow minors to vote, to buy cigarettes or alcohol, to rent cars or apartments or to enter into other contracts yet we allow them to (marry) - one of the most important and impactful decisions of their young lives," said Rep. Laura Lanese (R-Grove City), lead cosponsor along with Rep. John Rogers (D-Mentor-on-the-Lake).

Democrats also attempted to amend a plan (HB 502) from Rep. Marlene Anielski (R-Walton Hills) that requires educators to take in-service training on youth suicide prevention every two years. Rep. Catherine Ingram (D-Cincinnati) sought to expand the bill to cover charter schools but the amendment was tabled 44-39 before the bill advanced 82-0.

The chamber also approved legislation:

- Granting civil immunity to medical providers and emergency medical technicians operating after a disaster (HB 7).
- Prohibiting certain terms from appearing in health care contracts between vision care providers and a contracting entity and establishing new disclosure requirements (HB 156).
- Establishing a regional kinship care navigator program (HB 126).
- Licensing home inspectors via the proposed Home Inspector Board (HB 211).
- Designating the month of April as "Respect Your Date Month" and requiring higher education institutions to adopt a policy regarding dating and domestic violence (HB 240). The chamber approved an emergency clause 75-6.
- Including search and rescue dogs and horses in the prohibition against assaulting or harassing a police animal (HB 349).
- Prohibiting consumer credit reporting agencies from charging a fee to freeze a consumer's credit report or to remove or temporarily lift a freeze (HB 386).
- Exempting police body camera and dashboard footage from public record laws under certain circumstances, such as if it depicts the identity of a child or the victim of a sex crime (HB 425).
- Authorizing a nonrefundable insurance company tax credit for contributing capital for transformational mixed use development construction (HB 469).
- Requiring the Department of Agriculture to regulate multi-parcel auctions (HB 480).

- Enacting a myriad of township changes including: increasing the obligations a board of township trustees may authorize its officers to incur, permitting a township to require reimbursement of emergency services levy revenue foregone because of the creation of a tax increment financing incentive district, and more (HB 500).
- Requiring the development and adoption of a new framework for teacher and administrator evaluations (HB 540).
- Permitting county prosecutors to enter into contract with regional airport authorities, port authorities or a regional planning commission as a legal adviser (HB 543).
- Requiring the Public Employees Retirement System Board to grant a full year of service credit to qualified members employed as nonteaching school employees of a county board of development disabilities (HB 572).
- Revising the probate process through various changes including disqualifying a person convicted of involuntary manslaughter from benefiting from the victim's death (HB 595).

### **Senate Passes Measures Focused On Reducing Regulations**

A pair of legislative efforts to rein in regulations cleared the Senate Wednesday, with Republicans saying the proposals would make life easier for businesses.

Democrats said the two measures were arbitrary efforts to reduce agency rules that don't get at the issue of targeting unneeded regulations and could reduce important oversight.

One of the items (SB 293) cleared the Senate Transportation, Commerce and Workforce Committee earlier Wednesday after the panel replaced it with a substitute version to apply the regulation-cutting mandate more broadly across state departments, rather than to individual agencies. (*See committee listing*)

As a result of the changes, the legislation would require departments overall to cut regulations by 30%, sponsor Sen. Bob Peterson (R-Sabina) said. It would also create a website where individuals and businesses can report burdensome regulations to the Joint Committee on Agency Rule Review.

"We need to know how many restrictions we have, we need to systematically review them, and we need to revisit the rules that are unnecessary," Sen. Peterson said.

Majority Republicans tabled an amendment from Sen. Charleta B. Tavares (D-Columbus) that would have eliminated the 30% reduction requirement.

"This amendment calls for them to reduce restrictions without placing the arbitrary requirement," she said. "This amendment calls on state agencies to inventory what regulations exist."

Sen. Peterson said the amendment was unnecessary because JCARR can already grant departments exemptions for certain rules.

Lawmakers can also work to reduce regulations by avoiding situations where legislation leaves the details to be sorted out by agencies, said Sen. Lou Terhar (R-Cincinnati).

"The real issue here is how many things do we and our predecessors punt on and let it go to an agency rather than making a decision," he said.

Sometimes that's appropriate, said Sen. John Eklund (R-Chardon).

"Sometimes it's an acknowledgement or a willingness to acknowledge that there are experts in the administration of the government" with more expertise than lawmakers, he said.

The measure passed along party lines.

The other effort targeting regulations (SB 255) focused on occupational licensing. Sponsor Sen. Rob McColley (R-Napoleon) said it would create a process to review the state's occupational licensing requirements every five years.

"Frankly it's costing Ohioans the ability to earn a living and it's costing Ohioans the opportunity to contribute to our economy," he said of excessive licensing requirements.

Sen. Joe Schiavoni (D-Boardman) said lawmakers should consider issues with occupational licenses and fix them rather than creating a complicated process to routinely review the need for them.

Senate President Larry Obhof (R-Medina) said he thought the government has gotten "too big, too unwieldy."

"Too much of our authority has been usurped or given away over the years by legislators who thought it was easier to punt rulemaking authority," he said.

The measure passed 24-8.

The chamber unanimously passed a measure (SB 119), known as Daniel's Law, intended to ensure patients using naltrexone, a medication-assisted treatment also known as Vivitrol, can get an emergency dose from a pharmacy in certain emergency situations.

"When in a pinch, patients will have access to every pharmacy in the state of Ohio to act as a trampoline back into the system when the system fails," sponsor Sen. Bob Hackett (R-London) said.

Also advancing in the chamber were measures to:

- Provide a definition for an insurance rating agency (SB 273).
- Modify controlled substances laws with the Board of Pharmacy, including placing the list of controlled substances in rule rather than statute (SB 229).
- Urge Congress to support the creation of the Appalachian storage hub (SCR 21).
- Call on Congress to end certain mandates and emphasize the importance of federalism and the 10<sup>th</sup> Amendment (SCR 23), which passed 25-7.

### **Bills Amended To Enhance Online School Oversight Head To Governor**

The House and Senate on Wednesday approved separate measures that were amended this week to include multiple e-school reforms and sent them to Gov. John Kasich for his signature.

While Rep. Keith Faber (R-Celina) and Rep. Bill Reineke (R-Tiffin) introduced legislation (HB 707) on the topic last week, lawmakers quickly sought alternative pathways to get some of its provisions passed sooner rather than later. The actions by the chambers achieve a goal set Speaker Ryan Smith (R-Bidwell) of pushing forward with legislation aimed at improving the state's online schools ahead of summer recess. (See Gongwer Ohio Report, June 25, 2018)

Sen. Peggy Lehner (R-Kettering), chairwoman of the Senate Education Committee said lawmakers from both chambers came to an agreement ahead of Wednesday's session that certain portions from the measure would be split among a bill (HB 87) under consideration in the Senate and another (SB 216) under consideration in the House.

"You really have to look at these two bills together," she said.

The original intent of HB 87 was to clarify that funding must be returned to local school districts when an audit of a charter school leads to a finding for recovery, while SB216 is an overhaul measure that makes dozens of changes to the state's K-12 education system.

The upper chamber passed HB 87 by a vote of 30-2 with Sen. Joe Schiavoni (D-Boardman) and Sen. Michael Skindell (D-Lakewood) voting in opposition. The House concurred in Senate amendments by a vote of 70-22.

The Senate Education Committee earlier in the day amended HB 87 to create a "safe harbor" for schools that grew by 20% from taking in former Electronic Classroom of Tomorrow students from certain accountability measures, including closure. The House Education & Career Readiness Committee on Tuesday accepted a similar amendment to SB 216 that set the threshold at for the threshold for the safe harbor at 10%. (See Gongwer Ohio Report, June 26, 2018)

Sen. Schiavoni said he cast his vote against the measure because the safe harbor provision could shield poorly performing schools from accountability.

"My concern is that by putting an amendment like this in the bill we might be creating another ECOT," he said.

Sen. Lehner said another amendment passed in the Senate committee clarifies that the safe harbor will not protect schools that would have faced closure before considering the performance of students taken in from the now-shuttered e-school.

"We are not excusing bad performance of any school," she said.

Sen. Lehner said another Senate amendment to HB 87 dealing with e-schools would require the superintendent of public instruction to set guidelines for activity-tracking software to be used by online charter schools.

Another amendment "would remove a significant conflict of interest" regarding the state auditor's office and payments by online schools, she said.

"Currently, amounts payable may be reduced according to policies determined both by the superintendent of public instruction and the auditor of state," she said. "This amendment will change the statute to require the (superintendent) to establish these policies in consultation with the (auditor) instead, so that the auditor is not put in a position to establish policies they may later audit."

Sen. Lehner said other amendments adopted by her committee that are not focused on e-schools would:

- Give school districts an additional year to put a substitute levy on the ballot.
- Clarify that only a superintendent or school board president can sign contracts and other employment documents related to the district's treasurer or his or her family members.
- Allow school districts and other public employers to "collectively contract for health clinic services."

The committee also adopted an amendment Sen. Randy Gardner (R-Bowling Green) said would prohibit the state from requiring local school boards to submit five-year

financial forecast before Nov. 30. The provision mirrors one added to SB 216 in committee Tuesday.

The House passed SB 216 by a vote of 60-32 after accepting two amendments. The Senate concurred in House amendments by a vote of 28-1 with Sen. Edna Brown (D-Toledo) in opposition.

Rep. Andy Brenner's (R-Powell) amendment required a study of school takeovers be sent to the Joint Education Oversight Committee for further review after its completion. The House accepted the amendment by a vote of 62-28.

A floor amendment offered by Rep. Jeff Rezabek (R-Clayton) and accepted by a vote of 61-28 stripped a provision from the law that would have revised the state's standard for what an "excessively absent" student is by excluding excused absences. Under existing law, a student is "excessively absent" when they miss 38 or more hours in a month or 65 or more hours in a year whether the absences were excused or not.

The House Education & Career Readiness Committee on Tuesday reported SB 216 along party lines after accepting several amendments, including one with multiple provisions aimed at e-school reform. The amendment was inspired by HB 707, which in turn took cues from recommendations offered by Auditor Dave Yost.

The amendment would require the superintendent of public instruction to craft recommended definitions for the state to adopt regarding e-school enrollment and participation and create a committee to study the potential of student-performance, among other provisions.

Sen. Lehner said she views the creation of the committee as one of the most important provisions in the two pieces of legislation.

"The study committee is the most important part of that because that's going to (lead to) more substantive long-term reforms than some of the more minor (provisions)," she said.

Rep. Teresa Fedor (D-Toledo) said the online school provisions the committee added to SB 216 need more vetting, but were being rushed into law to provide "political cover" for Republicans in the wake of the closure of the ECOT. After ECOT shut its doors in January, Auditor Yost referred his office's audit of the school for potential prosecution. (See Gongwer Ohio Report, May 10, 2018)

"I'm sorry to say this bill has been hijacked," she said.

She was gavelled out of order by Speaker Smith when she likened ECOT's funding, which is the subject of clawback efforts by the state, to an ATM for Republican campaign committees.

The panel and later the full Senate rejected an amendment offered by Sen. Schiavoni that would have set additional guidelines for e-schools. He said the change would have

required an in-person parent teacher conference to be scheduled if a student doesn't log in for 10 days and the addition of disclaimers on e-school advertisements noting if they were paid for with public money and what grades the school had received from the state, among other changes.

"We have to have additional accountability and transparency," he said.

Sen. Lehner opposed the amendment but said she agreed with Sen. Schiavoni that the state's work on updating standards for online schools is not done.

The Senate also tabled an amendment offered by Sen. Schiavoni that would have extended eased graduation requirements put in place for the class of 2018 for the next two school years. The House Education & Career Readiness Committee rejected an amendment with the same effect offered by Rep. Tavia Galonski (D-Akron) Tuesday.

Before passing SB 216, the House tabled an amendment offered by Rep. Galonski that would have appointed a special investigator in the ECOT case.

Rep. Brenner said he viewed the amendment as premature because ECOT still has an appeal before the Ohio Supreme Court related to purported overpayments the State Board of Education voted to claw back from the school, leading to its closure.

Democrats later ripped majority Republicans for refusing to add additional accountability provisions to the bill, saying it gives a "free pass to Ohio's out-of-control charter schools" and elected officials.

"This is a politically motivated bill to give the same GOP politicians who used ECOT and charter school sponsors to bankroll their campaigns a free pass on taking responsibility for the mess they created," Rep. Galonski said.

Sen. Matt Huffman (R-Lima), SB 216's primary sponsor, said crafting and passing the substantial bill involved a lot of give and take among lawmakers and interested parties.

He listed the House's changes, saying he did not agree with all of them but that the bill retains the goal that superintendents had when they suggested the package to him several months ago - that is, eliminating unnecessary and burdensome regulations.

"This is a product of about 15 months-worth of work with a lot of good things in it," he said.

State Auditor Dave Yost issued a statement Wednesday evening welcoming passage of the measures.

"The legislation approved by the General Assembly today addresses some of the weaknesses my office has pointed out for years that limited the state's ability to demand full accountability from online schools and operators," he said. "While we were not

successful in gaining passage of all reforms we believe are needed, these changes will make a significant difference."

### **Senate Panel Delays Vote On Energy Standards, Wind Setback Bill**

A Senate committee Wednesday held off on a potential vote on controversial legislation to lower the renewable and energy efficiency standards, with lead negotiators telling interested parties they are "very close" to a final product.

The closely-watched measure (HB 114) was scheduled for its eighth hearing before the Senate Energy & Natural Resources and marked for possible amendments and a vote.

But the proposal was ultimately not heard, with Chairman Sen. Troy Balderson (R-Zanesville) and Sen. Bill Beagle (R-Tipp City) instead briefing stakeholders in attendance of their progress on the bill and promising "the bill's not dead."

"It's closer (to passing) than it's been for a while," Chairman Sen. Troy Balderson (R-Zanesville) said in an interview.

The measure began as a House effort to render the standards voluntary and expand the mercantile opt-out. That followed Gov. John Kasich's 2016 veto of a similar, but less far-reaching measure (HB554, 131st General Assembly).

Senators in May then accepted a substitute version that restored the mandatory nature of the standards, although it still lowers the renewable standards to 8.5% by 2022 instead of current law's 12.5% by 2026 and the efficiency standards to 17.2% by 2026 instead of the current 22.2% by 2027. It also loosens wind setback restrictions that advocates accused of stifling the industry - a prospect House leaders have expressed reluctant to accept in the past. (See Gongwer Ohio Report, May 16, 2018)

More changes are likely, as the lawmakers court support within their caucus and among stakeholders. Sen. Beagle said they're still sorting through feedback following the most recent changes - including those related to the mercantile opt-out, the wind setbacks and energy efficiency benchmarks.

"At this point, anytime you amend something everything's kind of tight so if we move a little bit here we need to understand what the ramifications are over there and that's just taking time," Sen. Beagle said. "We want to make sure we get this right. It's been an issue we've been talking about for a long time and it's been in the chamber a while. We'd rather take some time to make sure we get the best bill we can before we send it over to the House."

Sen. Balderson said talks continue with the Kasich administration over the renewable standards proposed by the current bill.

"The administration is aware of our number," he said. "While they are not satisfied with it, we continue to have positive discussions on a number of other areas we can all agree upon."

A Kasich spokesman declined to comment on the pending legislation.

At the same time, both said they haven't gone out of their way to keep their House counterparts in the loop on discussions. Although the legislation in its current form is likely to face a steeper climb in the lower chamber, the senators said their principal concern is mustering up enough support within their own caucus.

"We're really kind of focused on making sure we have enough votes in the Senate," Sen. Beagle said. "We're really focused on getting a product we can get out hopefully on a bipartisan basis and that's tough enough."

Added Sen. Balderson: "Once we have our numbers here that we need in the Senate, then we'll focus on the House. They're aware...so there's no reason for (Sen. Beagle) and I to be sitting down in front of them."

#### **Proposed Regulations Inspired By State Fair Ride Death Get Initial Hearing**

Nearly a year removed from a thrill ride breakdown at the Ohio State Fair that killed 18-year-old Tyler Jarrell and injured several others, the House took up legislation to tighten regulation of inspections overseen by the Department of Agriculture.

Sponsored by Rep. John Patterson (D-Jefferson) and Rep. Jim Hughes (R-Columbus), the measure would revise current safety inspection standards, define the qualifications for inspectors, and require owners to maintain current records for all their amusement rides.

Rep. Patterson told members of the House Agriculture & Rural Development Committee that the measure, while inspired by the tragedy, is about looking ahead "to better ensure the safety of Ohioans for years to come by revisiting current legislation to provide a more robust approach to ride safety and inspection."

The sponsors pointed out that while the rides have become more prevalent, diverse and complicated over the years, the number of Ohio inspectors has remained fairly constant.

Rep. Hughes said the bill focuses on ride inspections in two ways.

"First, it expands the Director of Agriculture's rule-making authority regarding amusement ride safety. Specifically, it requires a minimum number of inspectors be assigned to inspect a ride, ensuring that number is reasonable and adequate given the size, complexity, and nature of the ride," he said. "Second, it requires the Director to adopt the standards of the American Society for Testing and Materials, or any other equivalent standards, in whole. Current law does not require the Director to adopt these standards, neither in whole or part."

The measure also addresses the qualifications for newly hired inspectors, Rep. Hughes said. "The bill requires the Director, when employing a new Chief Inspector or an additional amusement ride inspector, to give preference to individuals who are registered professional engineers. If no registered professional engineer seeks employment as an inspector, the Director must give preference to individuals who have been issued a level one or higher inspector certification from the National Association of Amusement Ride Safety Officials."

Those restrictions would be forward-looking and not impact those currently employed as inspectors, he said.

The bill would retain the current law requirement that the ODA director provide necessary training for inspectors to administer and enforce the laws governing amusement ride safety. "Similarly, the bill still allows the director to appoint or contract other persons to perform inspections of amusement rides, provided that they meet the qualifications for inspectors and are not owners, or employees of any amusement ride subject to inspection," Rep. Hughes said.

The record-keeping mandates in the bill would apply to electronic manuals for each amusement ride that is inspected in Ohio, if available, and the ODA director may require the owner to also include "detailed written descriptions or photographs of all maintenance, repairs, and inspections in the record," Mr. Hughes said.

"Finally, HB631 prohibits ride owners from knowingly failing to keep a record or knowingly failing to make records available to the Department or ride inspector, and it imposes a fine of \$100 to \$500 for a violation of the prohibition. While current law requires an owner to keep records and make them available for inspection, it does not establish a specific penalty for failure to do so," he concluded.

Asked about the extent of the potential fines, Rep. Patterson said they could apply to every ride that's out of compliance or it could depend on the circumstances. He said the sponsors wanted to leave some discretion for ODA to develop more specific guidelines under the bill.

"We don't want the money," Rep. Hughes added. "We want them to be safe."

Rep. Kyle Koehler (R-Springfield) questioned whether the provisions would have prevented last year's failure of the Fire Ball ride.

"It definitely would have helped the situation, but what we're trying to do is prevent another occurrence of this in the future," Mr. Patterson said.

The sponsor told Rep. James Hoops (R-Napoleon) that the requirements would apply to all rides operated in the state, including those at county fairs and other events.

Chairman Rep. Brian Hill (R-Zanesville) raised the issue of funding for additional inspection duties and also noted that a review of the incident did not result in any punitive actions against state inspectors.

Rep. Jack Cera (D-Bellaire) said consideration must be given to ODA's budget if the bill is enacted.

Mr. Hughes said there have been communications with the agency regarding the proposals and further meetings with the agency are planned.

ODA spokesman Mark Bruce said the agency typically doesn't comment on pending legislation.

"The department has had discussions about possible ways to strengthen Ohio's already robust amusement ride safety program," he said in an email.

### **High Court Strikes Down 'Agency Fees' For Public Sector Unions; Kennedy Announces Retirement**

Organized labor was dealt a major blow Wednesday by the U.S. Supreme Court.

In a highly anticipated decision, the court in a 5-4 ruling held that non-union workers cannot be forced to pay fees to public sector unions.

Writing for the majority, Justice Samuel Alito found the requirement that non-union employees pay "agency fees" to the collective bargaining unit runs afoul of free speech protections.

"This procedure violates the First Amendment and cannot continue," Justice Alito wrote. "Neither an agency fee nor any other payment to the union may be deducted from a nonmember's wages, nor may any other attempt be made to collect such a payment, unless the employee affirmatively consents to pay. By agreeing to pay, nonmembers are waiving their First Amendment rights, and such a waiver cannot be presumed."

He was joined in his opinion by Chief Justice John Roberts, Justice Clarence Thomas, Justice Neil Gorsuch and Justice Anthony Kennedy, considered the swing vote on the court and who announced his retirement Wednesday.

The decision overturns a 1977 high court ruling that upheld the practice as constitutional.

"We recognize that the loss of payments from nonmembers may cause unions to experience unpleasant transition costs in the short term, and may require unions to make adjustments in order to attract and retain members. But we must weigh these disadvantages against the considerable windfall that unions have received under *Abood* for the past 41 years," Justice Alito wrote.

"It is hard to estimate how many billions of dollars have been taken from nonmembers and transferred to public-sector unions in violation of the First Amendment. Those unconstitutional exactions cannot be allowed to continue indefinitely."

Statements for and against the decision poured in swiftly.

Ohio Republicans were largely silent on the ruling. However, the Buckeye Institute cheered the decision.

"The Supreme Court today in *Janus v. AFSCME* announced its basic rule of human decency and common sense: consent matters - and hardworking public-sector workers can no longer be forced to pay for political speech or other activities without their affirmative consent," President and CEO Robert Alt said in a statement.

The American Legislative Exchange Council also hailed the ruling.

"Today's Janus decision overturns a precedent set 41 years ago. This will allow workers to keep their pay, they will no longer be forced to pay fees that support a union's collective bargaining efforts and administrative work," said Robert Ordway, Director of the Commerce, Insurance and Economic Development Task Force at ALEC.

The court's liberal justices dissented in the decision, with Justice Elena Kagan writing that the majority's holding will lead to "a collective action problem of nightmarish proportions."

Among the repercussions of the decision, she predicted that it will lead to a decline in public sector unionization.

"Everyone - not just those who oppose the union, but also those who back it - has an economic incentive to withhold dues; only altruism or loyalty - as against financial self-interest - can explain why an employee would pay the union for its services," she wrote in a dissent joined by Justice Ruth Bader Ginsburg, Justice Stephen Breyer and Justice Sonia Sotomayor.

She also accused the majority of "weaponizing the First Amendment, in a way that unleashes judges, now and in the future, to intervene in economic and regulatory policy."

Several Democratic lawmakers blasted the decision in statements, as did unions. Jay McDonald, president of the Ohio Fraternal Order of Police, said the group is "confident that our membership understands the value of belonging to the FOP and we will continue to work hard to keep their trust."

Ohio AFL-CIO President Tim Burga said "billionaires and corporate special interests that have manipulated our system of justice have succeeded in getting the highest court in the land to do their bidding."

The Ohio Federation of Teachers and the Ohio Education Association also spoke out. OFT President Melissa Cropper said the decision will lead to greater activism among her members.

"This decision today is a momentary triumph for the wealthy special interests who backed this lawsuit," she said. "But the voices of working people will not go unheard. And unions, such as ours, remain the best way to make sure decision-makers - at work or in the halls of government - are listening."

The Ohio Civil Service Employees Association said the decision "will only further rig the economy in favor of the wealthy and corporate interests."

OAPSE Executive Director Joe Rugola called the decision political.

"Justice Alito even says in his opinion that unions are powerful and get things done for our members," he said. "That's what the anti-union forces are afraid of: that our collective voice on behalf of workers will mean better pay and benefits for working people."

**Kennedy Retirement:** Justice Kennedy announced his retirement Wednesday, paving the way for Republicans to move the court in a decidedly rightward direction, a fact that was not overlooked by many, including Ohio Right to Life, which predicted the overturning of *Roe v. Wade*.

"Moments like these are why pro-life Americans elected President Donald Trump," President Mike Gonidakis said. "He has the historic opportunity to add a justice who will serve as the fifth pro-life vote on the court. Ohio Right to Life's goal has always been to overturn *Roe v. Wade* and to see the end of abortion, which has killed 60 million American children in the last 45 years."

NARAL Pro-Choice Ohio Executive Director Kellie Copeland expressed concern that the next right-leaning appointee would be in a position to overturn the "constitutional right to access abortion."

"Americans have had their rights stripped away by the US Supreme Court, thanks in part to a stolen seat that should have been filled by President Barack Obama," she said. "Women, union members, and immigrants all were harmed by decisions handed down just this week. We need a court that protects and respects rights, not one that pushes the political agenda of Donald Trump, Mike Pence and their ultra conservative cronies."

U.S. Rep. Bill Johnson (R-Marietta) encouraged his upper chamber colleagues to act quickly on filling the court opening.

"I encourage President Trump to nominate a qualified jurist from the list of potential Supreme Court judges he unveiled during his presidential campaign - someone who will interpret the Constitution as written, rather than legislating from the bench," he said.

"Whoever ends up filling this vacancy will play a major role in the future of the high court."

Justice Kennedy plans to step down at the end of July, and U.S. Senate Majority Leader Mitch McConnell (R-KY) said he plans to hold a vote on a replacement this fall.

The White House in a statement provided no timeline on choosing the justice's successor and instead focused on his service.

"A Californian - like the president who appointed him - Justice Kennedy is a true man of letters," the statement read. "During his tenure on the court, he authored landmark opinions in every significant area of constitutional law, most notably on equal protection under the law, the separation of powers, and the First Amendment's guarantees of freedom of speech and religion."

#### **Chairman: Senate Looking For Balance With Payday Lending Measure**

Two weeks in the Senate wasn't enough time to resolve the complex issues surrounding payday lending law revisions, and interested parties will keep talking on a compromise, a key lawmaker guiding the process said Wednesday.

Sen. Scott Oelslager (R-N. Canton) made the comments following a meeting of the Senate Finance Committee, which he chairs. The panel heard some additional testimony before a surprise attempt by the ranking minority member to move it forward.

The chairman previous said he didn't intend to take any amendments or call a vote on the proposal (HB 123) this week, but Sen. Michael Skindell (D-Lakewood) made a motion to report the measure before the meeting could be adjourned.

After committee members were called back from other meetings, majority Republicans voted on party lines to table Sen. Skindell's motion.

Sen. Oelslager said he and many members of the committee are still unsure what direction they would like to see the bill go, whether that entails the way it's written, or with some or all of the recommendations made by Sen. Matt Huffman (R-Lima). (See Gongwer Ohio Report, June 26, 2018)

"We also want to make sure that the interested parties have a chance to keep talking," he said after the meeting. "It's a very complicated issue. We want to make sure there's a balance between the person offering the loan and the person taking out the loan."

Sen. Skindell's move came after Nick Bourke, director of consumer finance for the Pew Charitable Trusts, asked senators to advance the proposal as written.

"I urge this committee to take a vote," he said. "Vote on HB123 as passed by the House. Or make a few sensible amendments to HB123 as we've discussed and vote on that. Even if it fails, we will know where this process stands."

Mr. Bourke, who has testified several times on the measure, told the committee they have three options in front of them: an overhaul of regulations such as HB123, the complete elimination of high-interest lending, and the status quo.

The proposals from Sen. Huffman, he said, would preserve the status quo.

"It is not reform because it does not solve the problems for consumers and it would cost the small number of payday lenders who enjoy the status quo today virtually nothing," he said.

Sen. Oelslager asked if the proposal is worse than the current law for lenders, and Mr. Bourke said it would have no change.

Mr. Bourke also said lawmakers could propose to ban high-interest loans entirely.

Sen. Bill Coley (R-Liberty Twp.) said the 2008 regulation constituted an attempt to ban high-interest loans.

"Ten years ago, when the legislature and then the voters of Ohio dealt with the legislation, that was a ban bill in the state of Ohio," he said. "Is the House-passed version of HB123 a ban bill?"

Mr. Bourke said it's a reform effort and would still allow companies to operate.

"I've spoken with companies that used to operate in Ohio before 2008 that left Ohio because they did not want to operate in a loophole," he said.

The panel also heard from Ashish Gandhi, owner of Cash Plus Silverton, who praised Sen. Huffman's plan.

"I believe that Senator Huffman's plan was very well thought out and mathematically intelligent," he wrote. "He was magically able to give all sides what they were asking for. His plan lowers the APR that critics insisted on. His plan lowers the daily cost of a loan to less than a cheap cup of coffee at a gas station. His plan allows for a plethora of options for both consumers and businesses."

The original version of the legislation is "extreme, poorly written and not workable," he said.

Sen. Huffman's plan is not exactly what the industry would have wanted, but would allow businesses to stay in place, he said.

### **Prosecutors Praise Beefed Up Parole Monitoring Bill**

A bill to revise parole monitoring procedures has the potential to save lives, members of a Senate panel were told Wednesday.

The legislation (SB 202) is named after Reagan Tokes, who was murdered by Brian Golsby shortly after his release from prison.

Lou Tobin, executive director of the Ohio Prosecuting Attorneys Association, said the legislation "will fill the gaps in the way the state manages offenders who are released from prison."

Among the bill's provisions, it would create reentry programs to ensure that those released from prison are not homeless and require restrictions to be placed on those who are on post-release control and fitted with GPS monitoring devices.

It would also require the state to create a database of GPS data that would be available to law enforcement officials when investigating crimes. Another portion of the legislation would focus on ensuring parole officer caseloads are not too large.

"Brian Golsby was released into homelessness and with a GPS monitor that did not establish zones within which he was allowed to move," Mr. Tobin told members of the Senate Government Oversight & Reform Committee. "It was subsequently discovered he committed at least six violent robberies, prior to his encounter with Reagan, all while being 'monitored.' The state must do more to address the circumstances that led to this."

William Parker of the American Court & Drug Testing Services said GPS monitors are essentially useless without guidelines and restrictions.

"GPS technology can do much, much more than simply provide the current location of someone wearing the ankle bracelet. Using easily programmable curfews, inclusion and exclusion zones and daily schedules, the technology can alert us immediately if the defendant is not where they are supposed to be when they are supposed to be there," he said.

"The technology can alert us immediately if the defendant moves into a neighborhood where his or her presence represents a threat to a person or community. It can notify us immediately if the defendant removes the bracelet or fails to charge the bracelet. But, the effective use of this technology requires more than satellites, cellular signals and computer applications."

Phyllis Carlson-Riehm of the ACTION OHIO Coalition For Battered Women also provided written testimony in support of the measure.

"We all know that Ohio's prisons are full to overflowing and the costs are enormous," she wrote. "We all know that prison reforms are long overdue to reduce the number of non-violent inmates and move them into meaningful community corrections programs and rehabilitated lives."

"But at the same time we must not fail to strengthen Ohio laws to hold violent repeat felons responsible for the multiple crimes that they commit and stop the needless human tragedies that are happening to many Ohio families."

Companion legislation (HB 365) - that also deals with indeterminate sentencing - cleared the House earlier this month. (See Gongwer Ohio Report, June 20, 2018)

### **Senate Releases Session Calendar**

The Senate could hold full sessions as many as 14 days during the second half of the year, according to a schedule released by Senate President Larry Obhof (R-Medina) on Wednesday.

The calendar sets if-needed sessions for July 10 and August 22. Three potential session dates are set for September.

Nine possible dates are scheduled for November and December, which would represent the chamber's post-election session.

The House has yet to release its schedule for July through December.

All session dates are available in Gongwer's full legislative schedule, where the meetings can be synced with Outlook calendars.

### **Governor's Appointments**

**Opportunities for Ohioans with Disabilities Council:** Kimberly S. Monachino of Twinsburg for a term beginning June 27, 2018, and ending June 1, 2019 and Margie Hegg of Upper Arlington for a term beginning June 27, 2018, and ending June 1, 2020.

### **Supplemental Agency Calendar**

**Thursday, June 28**

Business Gateway Steering Committee, 30 East Broad Street, Room 2925, Columbus, 1 p.m.

### **Supplemental Event Planner**

**Friday, August 3**

Sen. Sandra Williams (D-Cleveland) fundraiser, FOP Hall, 2249 Payne Ave., Cleveland, 5 p.m., (\$200 (table); \$20 (friend) to Friends of Sandra Williams)

17 S. High St., Suite 630

Columbus Ohio 43215

Phone: 614-221-1992 | Fax: 614-221-7844 | Email: [gongwer@gongwer-oh.com](mailto:gongwer@gongwer-oh.com)

Scott Miller, President | Kent Cahlander, Editor | Mike Livingston, Dustin Ensinger, Jon Reed, Tom Gallick, Staff Writers

Click the  after a bill number to create a saved search and email alert for that bill.

© 2018, Gongwer News Service, Inc. Reproduction of this publication in whole or in part without the express permission of the publisher is in violation of the federal Copyright Law (17 USC 101 et seq.) as is retransmission by facsimile or any other electronic means, including electronic mail.

## House Activity for Wednesday, June 27, 2018

**PASSED**

**SB 66**

**CRIMINAL LAWS (Eklund, J., Tavares, C.)** To modify criminal sentencing and corrections law by including the promotion of effective rehabilitation as a purpose of felony sentencing, removing the one-year minimum for presumptive fourth or fifth degree felony community control sanctions, modifying sanctions for a violation of a community control condition, modifying the manner of calculating confinement credits, modifying eligibility criteria and procedures for granting pre-trial diversion and intervention in lieu of conviction, making offenders convicted of certain multiple fourth or fifth degree felonies eligible for conviction record sealing, revising procedures for the Adult Parole Authority to grant a final release or terminate post-release control, and modifying the criteria for considering a prison term sanction for a post-release control violation; to extend the State Highway Patrol's authority to enforce criminal laws to also apply to the Northeast Ohio Correctional Center; to modify the penalty for an employer's failure to remit state income taxes withheld from an employee; and to authorize the conveyance of state-owned real estate.

84-2 (Edwards, Schaffer) (Amended)

**Gongwer Coverage**

**SB 81**

**FIREARMS (Terhar, L.)** To waive the concealed carry license fee for active members of the armed forces and retired and honorably discharged veterans, to accept military experience with firearms as proof of competency with firearms regardless of when the applicant for a license acquired the experience, to permit a licensee to renew a concealed handgun license at any time before the expiration of the license, and to require the Attorney General to monitor the number of license fees waived and cap the total amount allowed to be waived at \$1.5 million.

76-6

**Gongwer Coverage**

**SB 127**

**WASTE COLLECTION VEHICLES (LaRose, F.)** To require motor vehicle operators to take certain actions upon approaching a stationary waste collection vehicle collecting refuse on a roadside.

84-0

**Gongwer Coverage**

---

**SB 216** ■ **SCHOOL REGULATIONS** (Huffman, M.) To enact the "Ohio Public School Deregulation Act" regarding the administration of preschool and primary and secondary education programs, to add the territory of Summit County to the Stark State College District, and to prescribe procedures for appointing the board of trustees of the combined technical college district.  
60-32 (Amended)  
**Gongwer Coverage**

---

**SB 220** ■ **CYBERSECURITY** (Hackett, B., Bacon, K.) To provide a legal safe harbor to covered entities that implement a specified cybersecurity program, to allow transactions recorded by blockchain technology under the Uniform Electronic Transactions Act, and to alter the definition of "key employee" under the Casino Gaming Law.  
62-21 (Earlier REPORTED-AMENDED)  
**Gongwer Coverage**

---

**SB 221** ■ **AGENCY RULEMAKING** (Uecker, J.) To reform agency rule-making and legislative review thereof.  
73-19 (Earlier REPORTED-AMENDED)  
**Gongwer Coverage**

---

**SB 239** ■ **REGIONAL GOVERNMENT COUNCILS** (Dolan, M.) To modify the law concerning regional councils of governments to clarify that a municipal corporation eligible to designate a tourism development district may designate more than one district, to specify that the American Law Institute's approved "Restatement of the Law, Liability Insurance" does not constitute the public policy of Ohio, to designate a portion of U.S. Route 33 in Meigs County as the "Steve Story Memorial Highway," to designate a portion of Interstate Route 270 in Franklin County as the "Officers Anthony Morelli and Eric Joering Memorial Highway," and to designate the portion of U.S. Route 24 in Henry County as the "Henry County Veterans Highway."  
88-0  
**Gongwer Coverage**

---

**SB 299** ■ **WATER IMPROVEMENTS** (Gardner, R., O'Brien, S.) To credit additional amounts of the Local Government Fund to fund public safety services in areas that experienced a 30% or more decrease in the taxable value of certain power plants between 2016 and 2017, to phase out the payments

over ten years, to increase the appropriation to the Local Government Fund; to support broadband development; to establish the OhioCorps Pilot Project; and to make appropriations, including appropriations for the protection and preservation of Lake Erie and the National Guard Scholarship Program.

88-0 (Amended)

**Gongwer Coverage**

**HB 7**

**MEDICAL PROVIDER IMMUNITY (Cupp, R.)** To grant qualified civil immunity to certain medical providers and emergency medical technicians who provide emergency medical services as a result of a disaster and through its duration; to provide that certain communications made regarding an unanticipated outcome of medical care, the development or implementation of standards under federal laws, and an insurer's reimbursement policies on health care are inadmissible as evidence in a medical claim; to specify the manner of sending a notice of intent to file a medical claim and provide a procedure for the discovery of other potential claims within a specified period after the filing of a medical claim; to provide civil immunity to certain medical providers regarding the discharge of a patient with a mental condition that threatens the safety of the patient or others; to permit access to peer review committee documents during authorized inspections by the Director of Health while preserving their confidentiality; and to clarify the definition of "medical claim."

71-16

**Gongwer Coverage**

**HB 36**

**MARRIAGE CEREMONIES (Vitale, N.)** To provide that an ordained or licensed minister or religious society is not required to solemnize a marriage and a religious society is not required to allow any building or property of the religious society to be used to host a marriage ceremony if the marriage does not conform to the ordained or licensed minister's or religious society's sincerely held religious beliefs, to provide that an ordained or licensed minister or religious society is not subject to civil or criminal liability for such a denial, and to provide that the state and political subdivisions may not penalize or withhold benefits to an ordained or licensed minister or religious society for such a denial.

59-29 (Amended)

**Gongwer Coverage**

**HB 92**

**PUBLIC INDECENCY (Schaffer, T.)** To require an offender who knowingly commits the offense of public indecency under certain circumstances involving exposure of private parts likely to be viewed by minors and for the

purpose of sexual arousal or gratification to register as a Tier I sex offender/child-victim offender if the judge orders registration.

80-0

**Gongwer Coverage**

---

**HB 126** ■ **KINSHIP CAREGIVERS (Boyd, J., Rezabek, J.)** To require a region-based kinship care navigator program, and to make an appropriation.

82-0

**Gongwer Coverage**

---

**HB 156** ■ **VISION CARE INSURANCE (Schuring, K.)** Regarding limitations imposed by health insurers on vision care services.

75-2 (Hambley & Romanchuk)

**Gongwer Coverage**

---

**HB 211** ■ **HOME INSPECTORS (Hughes, J.)** To require the licensure of home inspectors, to create the Ohio Home Inspector Board to regulate the licensure and performance of home inspectors, and to require realtors who recommend home inspectors to provide a list of home inspectors

74-6

**Gongwer Coverage**

---

**HB 240** ■ **MONTH DESIGNATION (Barnes, J.)** To enact the "Respect Your Date Act" to designate the month of April as "Respect Your Date Month" and to require each state institution of higher education to adopt a policy regarding dating violence, domestic violence, sexual assault, stalking, and rape on campus and to declare an emergency.

Bill: 77-0; Emergency: 75-6

**Gongwer Coverage**

---

**HB 349** ■ **POLICE ANIMALS (LaTourette, S.)** To increase the penalty for assaulting a police dog or horse and to include search and rescue dogs and horses in the prohibition against assaulting or harassing a police animal.

69-11

**Gongwer Coverage**

---

**HB 355** ■ **SEXTING (Hill, B., Rezabek, J.)** To generally prohibit sexting by a person under 19 years of age.

85-0

Gongwer Coverage

---

**HB 386** ■ **CREDIT FREEZES** (Henne, M., Kelly, B.) To modify the fees that a credit reporting agency can charge in relation to a credit report freeze.

82-2

Gongwer Coverage

---

**HB 425** ■ **BODY CAMERAS** (Antani, N., Craig, H.) To provide that specified portions of peace officers' body-worn camera recordings and the infrastructure record of a public school are not public records for purposes of the Public Records Law.

88-0

Gongwer Coverage

---

**HB 428** ■ **STUDENT EXPRESSION** (Ginter, T., LaTourette, S.) Regarding student religious expression and to entitle the act the "Ohio Student Religious Liberties Act of 2018."

62-20

Gongwer Coverage

---

**HB 469** ■ **TAX CREDIT** (Schuring, K., Patton, T.) To authorize a nonrefundable insurance company tax credit for contributions of capital to transformational mixed use development projects.

78-0

Gongwer Coverage

---

**HB 479** ■ **DRUG PRICE INFORMATION** (Lipps, S., West, T.) Regarding pharmacy benefit managers, pharmacists, and the disclosure to patients of drug price information.

75-0

Gongwer Coverage

---

**HB 480** ■ **MULTI-PARCEL AUCTIONS** (Hill, B.) To establish requirements governing multi-parcel auctions.

72-0

Gongwer Coverage

**HB 497** ■ **PRIVATE IMAGES** (Rogers, J., Manning, N.) To prohibit the nonconsensual dissemination of private sexual images, to require that certain property involved in the offense be criminally forfeited, and to create certain legal rights and protections of a victim of the offense.  
81-0  
Gongwer Coverage

**HB 500** ■ **TOWNSHIP LAWS** (Carfagna, R.) To make various changes to township law.  
81-0  
Gongwer Coverage

**HB 502** ■ **YOUTH SUICIDE** (Anielski, M.) With regard to educator inservice training on youth suicide awareness and prevention in public schools.  
82-0  
Gongwer Coverage

**HB 511** ■ **MARRIAGE AGE** (Lanese, L., Rogers, J.) To make changes to the laws governing the ages at which persons may marry.  
78-0  
Gongwer Coverage

**HB 540** ■ **TEACHER EVALUATIONS** (Gavarone, T., Manning, N.) With regard to teacher evaluations.  
84-0  
Gongwer Coverage

**HB 543** ■ **COUNTY PROSECUTORS** (Perales, R., Hambley, S.) To allow a county prosecuting attorney to enter into a contract with a regional airport authority, port authority, or regional planning commission to be its legal adviser.  
79-0  
Gongwer Coverage

**HB 572** ■ **RETIREMENT CREDIT** (Scherer, G., Howse, S.) Regarding Public Employees Retirement System service credit for services as a nonteaching school employee of a county board of developmental disabilities.

80-0

Gongwer Coverage

**HB 595** ■

**PROBATE LAW (Cupp, R., Rezabek, J.)** Relative to procedures for a testator to file a declaratory judgment action to declare the validity of a will prior to death and the settlor of a trust to file such an action to declare its validity, exceptions to antilapse provisions in class gifts in wills and trusts, incorporation of a written trust into a will, trusts for a minor, arbitration of trust disputes, the creation of county and multicounty guardianship services boards, the coroner's disposition of person dying of suspicious or unusual death, an application for the release of medical records and medical billing records, and adding involuntary manslaughter not resulting from a felony vehicular homicide offense to the list of offenses excluding an individual from inheriting from a decedent.

78-0

Gongwer Coverage

**HOUSE CONCURS IN SENATE AMENDMENTS**

**HB 18** ■

**SPECIAL ELECTIONS (Pelanda, D., Retherford, W.)** to eliminate the requirement of holding a special election to fill a vacancy in a party nomination for the office of representative to Congress under certain circumstances; to authorize local elected officers that have levied a hotel lodging excise tax, or a designee of such officers, to simultaneously hold the position of officer or member of the board of trustees of a convention and visitors' bureau without constituting incompatible offices; and to require that, upon request, county auditors, municipal fiscal officers, and their employees must share lodging tax return information with the directors of convention and visitors' bureaus operating in their counties.

67-22

Gongwer Coverage

**HB 87** ■


**COMMUNITY SCHOOLS (Roegner, K.)** Regarding public moneys returned to the state as a result of a finding for recovery issued pursuant to an audit of the enrollment records of a community school, to clarify the time period within which a school district emergency levy or substitute levy may be renewed or replaced, to clarify the responsibilities of a school district treasurer regarding the signing or executing of certain documents, to require the State Board of Education to adopt standards for learning management software for internet- and computer-based community schools, regarding qualification for state payments by internet- or computer-based community schools, regarding joint

health and medical insurance programs by political subdivisions and county boards of developmental disabilities, regarding submission of five-year financial forecasts by public schools, and regarding the moratorium on certain provisions affecting community schools and school districts whose enrollments were affected due to enrolling students of a suspended e-school.

70-22

**Gongwer Coverage**

---


**HB 263** 

**OUTDOOR DINING AREAS (Lanese, L.)** To generally allow an owner, keeper, or harbinger of a dog to take the dog in an outdoor dining area of a retail food establishment or food service operation.

79-10

**Gongwer Coverage**

---

**HB 312** 

**POLITICAL SUBDIVISION SPENDING (Schuring, K., Greenspan, D.)** To regulate the use of credit cards and debit cards by political subdivisions, to modify the duties and powers of the Auditor of State, to specify that electronic submission of a public record request entitles the requestor to damages if the public office fails to comply with the Public Records Act, to make changes to the law governing financial planning and supervision commissions, and to authorize a property tax abatement for certain property subject to a submerged land lease and held by a municipal corporation.

91-0

**Gongwer Coverage**

---


**HB 318** 

**SCHOOL RESOURCE OFFICERS (Patterson, J., LaTourette, S.)** To define the necessary qualifications and responsibilities of school resource officers, to require the Facilities Construction Commission to study and report on school building security upgrades and to make an appropriation.

69-20

**Gongwer Coverage**

---

**HB 336** 

**LICENSE FEES (Barnes, J., Greenspan, D.)** To prohibit the imposition of driver's license and temporary instruction permit reinstatement fees in specified circumstances and to name this act the Reinstatement Fee Amnesty Initiative.

84-6

**Gongwer Coverage**

---

**HB 347** ■ **ROAD NAMING (Kelly, B., Dever, J.)** To designate multiple memorial highways.

91-0

Gongwer Coverage

## CONFERENCE REPORT ADOPTED

**SB 1** ■ **DRUG OFFENSES (LaRose, F.)** To increase penalties for drug trafficking violations, drug possession violations, and aggravated funding of drug trafficking when the drug involved in the offense is a fentanyl-related compound, except for drug possession violations when the fentanyl-related compound is combined with marihuana or a Schedule III, IV, or V controlled substance and the offender did not know of the fentanyl content; to revise the manner of determining sentence for certain violations of the offense of permitting drug abuse; and to add lisdexamfetamine to the list of schedule II controlled substances.

59-10

Gongwer Coverage

## HOUSE SPEAKER'S APPOINTMENTS

Community & Family Advancement Committee: Remove Rep. Brinkman, appoint Rep. Greenspan

## COMMITTEE HEARINGS

### Agriculture & Rural Development

**HB 560** ■ **PET FOOD (Lanese, L.)** To prohibit pet food from containing remains from an animal that was euthanized by the use of any drug injected intravenously or through another nonvascular route or remains from any dog or cat.  
(CONTINUED; 1st Hearing-Sponsor)

**Rep. Laura Lanese** (R-Grove City) said her measure "will provide pet owners some assurance that their pet food does not contain the remains of other cats and dogs and that it does not contain pentobarbital, the drug used to euthanize cats and dogs."

The sponsor referred to news stories in recent years about tainted pet food and noted the FDA had recalled products after pentobarbital, which is used by veterinarians to euthanize cats, dogs and horses, was found in the samples from an Ohio-based pet food company. Rep. Lanese said current state law doesn't sufficiently cover the products that rendering plants sell to pet food manufacturers. "Under current Ohio law, a commercial feed is adulterated if it bears or contains any poisonous or deleterious substance that may render it injurious to animal or human health, except that when the substance is not an added

substance. Since the drug is not added during processing, the feed may not be considered an added substance and therefore permissible," she said.

"Most pet owners do not want to feed their family dog or cat the remains of other dogs and cats. Even if a consumer actively tries to make an informed decision by reading the label, terms like animal meal and meat meal make it hard to decipher what exactly is in our pet's food," the sponsor said. "Guardrails to ensure that our pets are not eating other pets and ingesting euthanasia drugs is one small token we can offer consumers, especially since pet food companies are denying they are part of the pet food they sell."

Responding to a question from Rep. Michael Sheehy (D-Oregon), the sponsor said there are federal regulations regarding pet food content but the lack of any legal actions underscore the need for Ohio to take action and tighten its oversight.

Several members had questions about testing for the drug, and Rep. Lanese told Rep. Darrell Kick (R-Loudonville) that imposing such costs on rendering plants would likely lead to extensive pushback.

She told Rep. John Patterson (D-Jefferson) she was unsure how many rendering plants existed in the state. "There's very little oversight of this industry," she said, adding the bill would only apply to Ohio plants.

Rep. Keith Faber (R-Celina) said he applauded the concept of the bill but questioned whether the oversight should be left to the free market, such as pet food makers putting testing labels on their products.

**HB 631** **AMUSEMENT RIDES** (Hughes, J., Patterson, J.) To revise the laws governing amusement ride operation and safety, to designate this act as "Tyler's Law," and to declare an emergency. (**CONTINUED (See separate story)**; 1st Hearing-Sponsor)

#### **Insurance**

**HB 621** **DEATH BENEFITS** (Hughes, J.) To revise the payments that surviving family members receive from the Ohio Public Safety Officers Death Benefit Fund and to permit surviving spouses and children to participate in the health, dental, and vision benefits offered to state employees as if the survivors were employees of this state. (**CONTINUED (No testimony)**; 3rd Hearing-Opponent)

Chair Rep. Tom Brinkman (R-Cincinnati) said the committee received a **fiscal note** detailing the bill's estimated costs. He said an amendment is being drafted in regard to a similar bill pending in the Senate.

**SB 227** **HEALTH PLAN CLAIMS** (Huffman, M.) To require health plan issuers to release certain claim information to group plan policyholders. (**CONTINUED**; 1st Hearing-Sponsor)

Sen. Matt Huffman (R-Lima) said the bill would give employers more information about claims made under their health insurance coverage while protecting information that details which individuals and dependents are receiving care.

That information will give small employers more data they can use to shop for coverage from insurers, he said. Without that information, small businesses are often left to renew coverage and accept rate increases proposed by insurers.

Claims information that would be shared with employers wouldn't include any personal information, and he said the release of that redacted data isn't prohibited by federal law.

The result would spur more competition in the insurance market, potentially leading to lower prices, he said.

**Rep. Wes Retherford** (R-Hamilton) asked if there would be any cases where the release of information could be denied.

Mr. Huffman said the bill directs the release of non-identifiable claims information about all people covered under a company's policy.

**Rep. George Lang** (R-West Chester) said his initial reaction to the proposal is that if an employer is paying an insurance bill, it should have access to claims information.

Responding to **Rep. Michael Henne** (R-Clayton), Sen. Huffman said the bill is targeted to employers with between 50 and 100 employees, and indicated that leaders of smaller companies might already be aware of health conditions that their employees have.

**Rep. Glenn Holmes** (R-McDonald) questioned whether the sponsor would be willing to consider redacting pharmaceutical information, indicating that having knowledge of drug use could create ethical issues for those who make decisions about employee coverage.

#### **Government Accountability & Oversight**

**SB 220** **CYBERSECURITY** (**Hackett, B., Bacon, K.**) To provide a legal safe harbor to covered entities that implement a specified cybersecurity program.

**(REPORTED-AMENDED (No testimony); 3rd Hearing-All testimony-  
Possible amendments & vote)**

An amendment offered by **Rep. Kathleen Clyde** (D-Kent) to replace the phrase "reasonable compliance" with "actual compliance" was tabled in an 8-2 vote, with **Rep. Bernadine Kent** (D-Columbus) joining all the Republicans present in the vote, as she would do throughout the committee meeting after recently being exiled from the House Democratic Caucus.

In explaining her motion to table, **Rep. Dorothy Pelanda** (D-Marysville) said actual compliance could be a difficult bar for small businesses to clear.

"Reasonable compliance was arrived at after several interested party meetings and discussions with those people," she said.

Another failed amendment proposed by Rep. Clyde would have allowed a person whose private information is compromised to request the attorney general's office bring legal action. If it does not, the person would be able to bring legal action on behalf of the state and split the recovery.

An amendment offered by **Rep. Bill Seitz** (R-Cincinnati) that would allow owners of casinos with less than a 5% stake to avoid licensing requirements was added to the bill. He said the current law that requires licensing for anyone owning as little as 1% is unworkable for a publicly-traded company.

Rep. Clyde questioned how the amendment does not run afoul of the single-subject rule.

Rep. Seitz responded the subject matter of the bill is commerce.

"I can't see anybody filing a lawsuit over this because it is simply common sense," he said.

An amendment offered by chairman Rep. Lou Blessing (R-Cincinnati) pertaining to blockchain technology e-signatures was also attached to the measure.

**SB 221** **AGENCY RULEMAKING** (Uecker, J.) To reform agency rule-making and legislative review thereof. (**REPORTED-AMENDED (No testimony)**; 4th Hearing-All testimony-Possible amendments & vote)

A clarifying amendment offered by Rep. Blessing to make the language in the measure more consistent with the rest of the section was accepted without objection.

Two Democratic amendments - both offered by Rep. Brigid Kelly (D-Cincinnati) - were tabled.

The first would have removed language allowing a business to challenge an agency rule based on adverse impact. Rep. Kelly called the language "overly broad."

"I think the main thrust is really to just avoid harming business," Rep. Blessing said.

The other would have removed language allowing a business to contest a rule outside of the regular review period.

**SB 263** **NOTARY PUBLIC** (Huffman, M., Wilson, S.) To enact the Notary Public Modernization Act. (**CONTINUED (No testimony)**; 3rd Hearing-All testimony)

**Subscribers Note:** For full testimony see the committee's website under June 26.

## Health

**HB 167** **OPIOID MEDICATIONS** (Edwards, J.) Regarding addiction treatment and opioid prescribing by physicians and dentists. (**REPORTED**; 3rd Hearing-All testimony-Possible vote)

The measure was reported unanimously.

Rep. Emilia Sykes (D-Akron) said a constituent with chronic pain raised concerns about the limitations in the initial draft of the proposal and said it could hinder patients' ability to get treatment.

Sponsor Rep. Jay Edwards (R-Nelsonville) said those provisions have been removed from the bill, which now focuses on ensuring patients have access to medication-assisted treatment if a prescriber is unavailable. "I got a lot of the same calls," he said.

**HB 326** **PRESCRIBING AUTHORITY** (Seitz, B., Gavarone, T.) To authorize certain psychologists to prescribe psychotropic and other drugs for the treatment of drug addiction and mental illness. (**CONTINUED (No testimony)**; 6th Hearing-Possible substitute & amendments)

**HB 546** **TELEMEDICINE** (Patton, T.) To prohibit health benefit plans from treating telemedicine services differently from in-person health care services solely because they are provided as telemedicine services. (**CONTINUED**; 4th Hearing-All testimony-Possible vote)

Jimelle Rumberg, executive director of the Ohio Foot and Ankle Medical Association, said the measure would enhance physicians' efforts to provide quality, cost-effective care by allowing the care delivery system to evolve through telemedicine.

"As employers and insurers continue to drive consumers to high-deductible insurance plans that require more patient out-of-pocket requirements, telemedicine and its ability to provide quality care for lower prices could help consumers better manage their out-of-pocket requirements that are mandated by these high-deductible plans," she said.

She disputed claims that the legislation would mandate the use of telemedicine by insurers or health plans, saying it only creates a "payment parity" between in-person and telemedicine services.

"HB546 simply says that payment discrimination to a provider cannot take place solely based on the fact that the service is provided via telemedicine," she wrote. "Insurers and health plans still would have utilization management tools they may use to regulate telemedicine services and HB546 does not infringe on those capabilities."

Miranda Motter, president and CEO of the Ohio Association of Health Plans, said in written testimony that the proposal constitutes a statutory mandate for coverage of telehealth, which could stifle innovation and limit the technology's ability to be a tool to drive down costs.

"Telehealth should not be used to increase health care costs for consumers, employers and the state as the payer for Medicaid and the State Employees Health Plan," she wrote. "As a result, Ohio's health care consumers should not have to pay for 'bricks and mortar' infrastructure, facility fees and other types of fees hospitals and doctors charge for in-person services."

**HB 559** **CHILD IMMUNIZATIONS (Gonzales, A., Landis, A.)** To make changes to the law governing immunization of children enrolled in school, preschool programs, and day-care programs. **(CONTINUED-SUBSTITUTE; 4th Hearing-Possible substitute & amendments)**

The panel accepted a substitute version that removes the requirement that the Department of Health publish immunization rates by school building and makes other changes, said **Rep. Theresa Gavarone** (R-Bowling Green). **(Comp Doc)**

The school building change stemmed from concerns that it could lead to shaming and might allow specific students to be identified, she said.

The new version retains provisions about school-level reporting to ODH and clarifies that information from private and parochial schools is not to be posted on the department's website, she said.

Rep. Gavarone said the new version expands the eligible documents to include a copy of the child's immunization record and allows the provider to submit a form for parents seeking a non-medical exemption. It also delays implementation until the 2021 school year.

The committee received written testimony from Donna Kazee, president of Ohio Advocates for Medical Freedom, who urged committee members to pay more attention to concerns from opponents.

Ms. Kazee raised concerns about the tracking of vaccination and exemption status and the public posting of data, and about the insertion of a third party into the exemption process against the parent's choosing.

"These and other parents should not be forced to receive education and information when they are declining for religious/conscience reasons, which have nothing to do with medical information," she said.

She also suggested more details of the required form be standardized, raising concerns that it could include statements such as that they are placing their child and others in danger by not vaccinating.

"We encourage and are happy to assist with further discussion about both standardized form contents and responsibility and determination of standardized risk and benefit information," she said.

**HB 677** **MENTAL HEALTH (Barnes, J.)** To require the Department of Mental Health and Addiction Services to operate a demonstration program under which a mental health trauma center is established as part of a county hospital located in Cuyahoga County. **(CONTINUED; 1st Hearing-Sponsor & proponent)**

Sponsor Rep. John Barnes (D-Cleveland) said it would require a mental health trauma center to be established through a demonstration program at a county hospital in Cuyahoga County. "In the state of Ohio, we have a crisis of mental health issues, and largely our government has been reactive to the problem," he said.

The proposal is intended to get out in front of the issue by improving access to mental health services, particularly short-term services, he said.

The sponsor said he hoped to work out the details of the proposal over the summer.

**HB 72** **STEP THERAPY (Johnson, T., Antonio, N.)** To adopt requirements related to step therapy protocols implemented by health plan issuers and the Department of Medicaid. **(CONTINUED-SUBSTITUTE; 6th Hearing-Possible substitute)**

The committee accepted a substitute version that **Rep. Terry Johnson** (R-McDermott) said made a variety of changes. **(Fiscal Note)**

The new version replaces the terms "based on medical necessity" and "medically appropriate" with "consistent with medical and scientific evidence," he said. It also reduces the exemptions to four and modifies them. It now exempts a patient when the medication is contra-indicated or will likely cause an adverse reaction or physical or mental harm, as opposed to previously just if it is contra-indicated, he said.

The substitute version also makes changes to the appeals process, he said.

#### **Civil Justice**

**HB 147** **HUMANE SOCIETIES (Hambley, S.)** To make changes to humane society law and to make humane society agents subject to bribery law. **(REPORTED; 4th Hearing-All testimony-Possible vote)**

Corey Roscoe, Ohio state director for the Humane Society, submitted interested party testimony in which she said concerns remain that the regulations proposed "can create overdue burdens and unintentionally make it harder for humane societies to perform their volunteer law enforcement duties."

"One prominent concern of the bill is to require non-prosecution requirements entered in by humane society-appointed prosecutors be approved by a judge but not required for all prosecutors and cases prosecuted under 959," Ms. Roscoe wrote. "The law should be

consistent for all prosecutors if the goal of judicial review is to serve as a check and balance."

**HB 615** **DEBT COLLECTIONS (West, T.)** To require creditors, prior to collecting the debt of a decedent outside of probate, to explicitly inform the person from whom payment is sought that the person is under no obligation to pay the debt. (CONTINUED; 1st Hearing-Sponsor)

Due to the lateness of the committee's start, in terms of HB615, HB672 and HB694, Chair **Rep. Jim Butler** (R-Oakwood) said the panel would accept written sponsor testimony to constitute each bill's first hearing. Sponsors may appear before the panel at a later date to answer questions, he said.

In written testimony, **Rep. Thomas West** (D-Canton) urged support for his measure that aims to ensure those who have lost loved ones don't mistakenly believe they are obligated to pay the deceased's debts.

"House Bill 615 will require all creditors that have claims against an estate to inform the person from whom payment is sought, that they as an individual are under no obligation to pay the debt," the sponsor wrote. "The bill also states that failure to inform the individual is considered an unconscionable act and renders the creditor subject to legal action by the Attorney General or by the individual that was left uninformed."

**HB 672** **PUBLIC RECORDS (Barnes, J.)** To create a procedure by which a person may obtain a court order to correct an error, omission, or legal defect in a public record, and to name the act the "Final Order Correction Act." (CONTINUED; 1st Hearing-Sponsor)

Rep. John Barnes (D-Cleveland) said in his written presentation the proposal would enable a person to file a petition in the court of common pleas to request a correction or invalidation if an error, omission or legal defect is found in a public record.

The error must personally affect the complainant, who must then file with the county where the office responsible for the record is located or where the record is kept. The office must then respond and state the basis for belief the record is accurate.

The court would then determine whether a correction or invalidation is required based on a preponderance of the evidence. "The (bill) will ensure that the constitutional right of due process is achieved," Rep. Barnes wrote.

**HB 694** **CONTRACT LIMITATIONS (Lang, G.)** To shorten the period of limitations for actions upon a contract. (CONTINUED; 1st Hearing-Sponsor)

**Rep. George Lang** (R-West Chester Twp.) said in written testimony his proposal is "short but significant" in that it reduces the statute of limitations for written and oral contracts from eight and six years respectively to three years.

"As a business owner, the more certainty I can gain, the more business risks I can take," Rep. Lang said. "If I know my liability on a contract only runs for three years, I can take on different relationships. I can be certain that my current obligation will run for a time certain. This allows me to launch capital expenditures, strategically deploy capital, and to secure appropriate risk management devices."